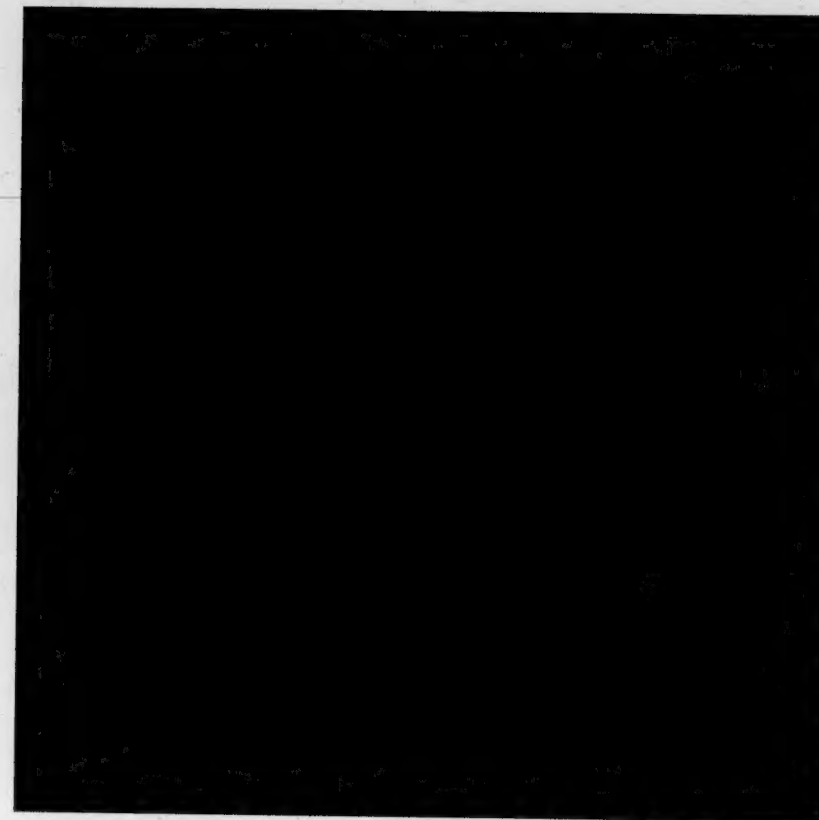
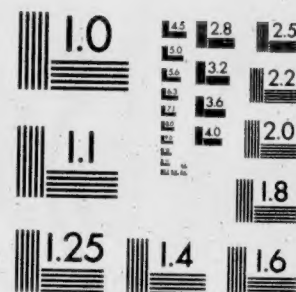
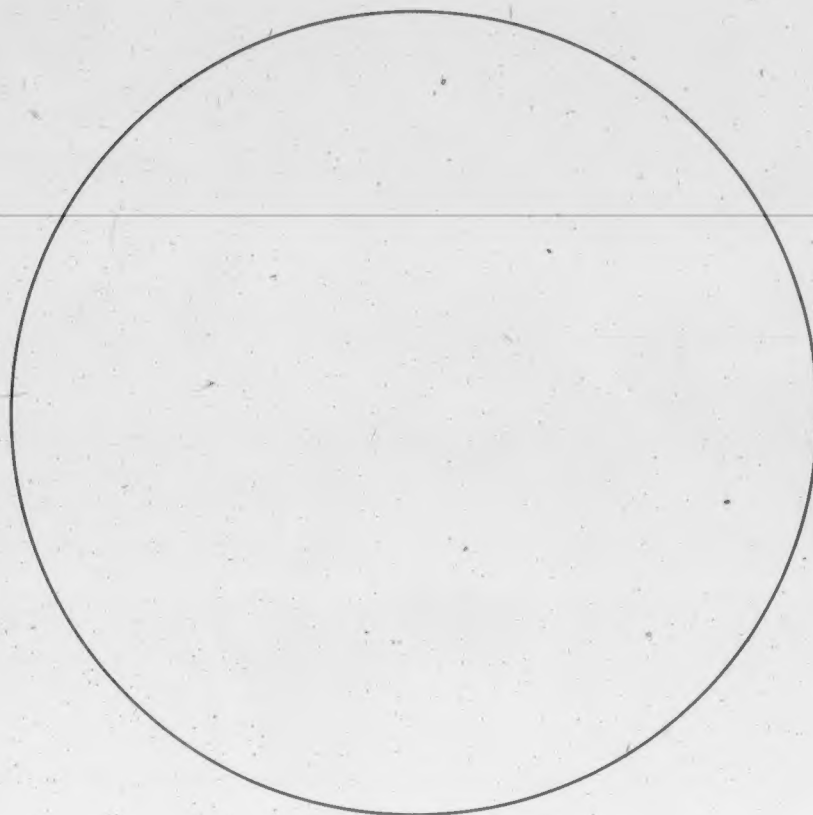
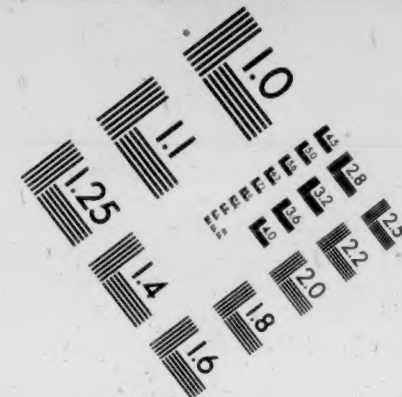
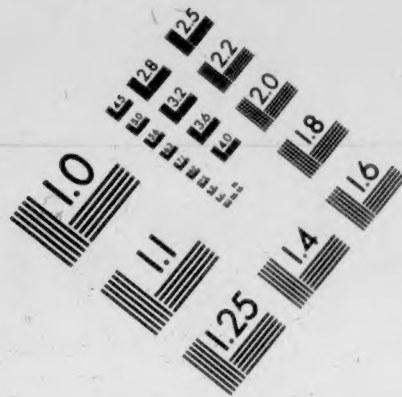


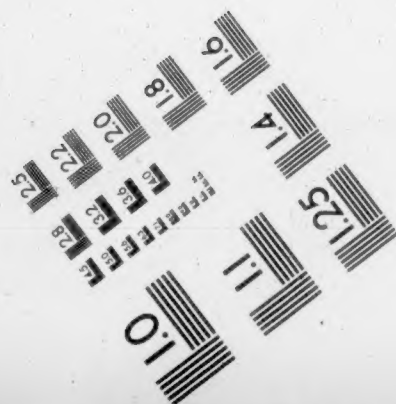
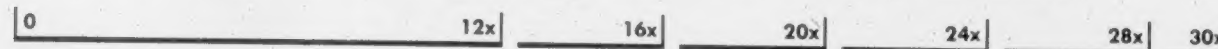
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**APPLICATIONS FOR ENROLLMENT OF THE
COMMISSION TO THE FIVE CIVILIZED TRIBES**

1898 - 1914

ROLL 136

MISSISSIPPI (MOCTOW MCR 4499 - 4588)

**THE NATIONAL ARCHIVES
NATIONAL ARCHIVES AND RECORDS SERVICE
GENERAL SERVICES ADMINISTRATION**

WASHINGTON: 1983

Choctaw MCR 4499

Martha Jacobs

MCR 4499

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

----- (o) -----

In the matter of the application for the identification of Martha Jacobs as a Mississippi Choctaw, M C R 4499.

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DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application for the identification
of Marths Jacobs as a Mississippi Choctaw, M C R 4499.

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4499

Department of the Interior,
Commission to the Five Civilized Tribes,
Edinburg, Mississippi, January 8, 1902.

In the matter of the application of Martha Jacobs, represented by her daughter, Lillie Jim, for identification as a Mississippi Choctaw.

Lillie Jim, having been first duly sworn, upon her oath testified as follows: (Oscar Billey, Official Interpreter.)

Examination by the Commission.

- Q What is your name? A Lillie Jim.
Q How old are you? A Forty.
Q What's your post office address? A Hope,
Q Neshoba County, Mississippi? A Yes.
Q How long have you lived in Neshoba County? A Born in Leake
County. Lived in Neshoba County about twenty years.
Q Are you a full blood Choctaw? A Yes.
Q Are you married? A Yes.
Q What's your husband's name? A Steve Jim.
Q Full blood Choctaw? A Yes.
Q Is your father living? A No.
Q What was his name? A Jacob.
Q Jacob what? A That's all the name I know.
Q Is your mother living? A Yes.
Q What's her name? A Martha.
Q Is she a full blood Choctaw? A Yes.
Q Has she always lived in the State of Mississippi? A Yes.
Q About how old is she? A About seventy.
Q What's her post office address? A Hope.
Q Neshoba County, Mississippi? A Yes.
Q How long has she lived with you? A Ten years.
Q Is she an invalid? A Yes.
Q Your mother been before the Commission within the last year? A No,
never did go before Commission.
Q How far do you live from her? A About eight miles.
Q Did you, before leaving home this morning endeavor to get your
mother to come with you and make application to the Commission for
identification as a Mississippi Choctaw? A Yes.
Q What did she say about it? A She would not come before the
commission, and didn't want anything to do with them. She said she
would not give in her testimony at all.
Q Do you desire to appear before the Commission at this time in
behalf of your mother and make application for her? A Yes.
Q Is she at home now? A She left this morning for Leake County on
a visit to her brother, Ellis Sam, who lives near Free Trade, to be
gone a month.
Q Has your mother any minor children living? A No, sir.
Q Or any one else living with her dependant upon her? A No.
Q You just want, then, to make application for her only? A Yes.
Q Is her father living? A No.
Q What was his name? A I don't know.
Q Is her mother living? A Dead.

Martha Jacobs, et al., 2.

- ✓ Q What was her name? A Jennie.
Q Did she have any other name? A I don't know.
✓ Q Was she a full blood Choctaw? A Yes.
Q Always live here in Mississippi? A Yes.
✓ Q Was your mother's father a full blood Choctaw? A I reckon so.
✓ Q Did you ever see him? A No.
Q Do you know the name of any one of your mother's grand parents?
A No, I don't know.
Q Does your mother speak the Choctaw language? A Yes.
Q Does she speak any English? A No.
Q Has she always lived in Mississippi? A Yes.
Q All of her ancestors always lived here? A Yes.
Q Is her name to be found upon any of the Choctaw tribal rolls in Indian Territory? A I don't know.
Q Can you remember her Choctaw name? A No.
Q Did she ever make application to the Choctaw tribal authorities in Indian Territory to be entolled or admitted as a member of that tribe? A No.
Q Did any one else ever make such an application for her? A No.
Q Did she, or any one for her, in the year 1896, make application to this Commission for citizenship in the Choctaw Nation under the Act of Congress approved June 10, 1896? A I don't know.
Q Has any application of any kind ever been made for her before today?
A I don't know.

The records of the Commission show that on the 1st day of February, 1899, Steve Jim, the husband of Lillie Jim, who makes this application in behalf of her mother, appeared before the Commission at Philadelphia, Mississippi, and made application for the identification of Martha Jacobs as a Mississippi Choctaw, her name appearing upon Mississippi Choctaw Card, Field Number 291; also, upon page 73 of the Schedule which accompanied the report of March 10, 1899, of the Commission to the Five Civilized Tribes to the Secretary of the Interior as to the identify of Choctaw Indians residing in Mississippi, claiming rights in the Choctaw lands in Indian Territory under the provisions of article 14 of the treaty of Dancing Rabbit Creek, being Number 1906, thereon.

- Q Is this the only application of any kind that has ever been made for your mother before to-day? A Yes, that's the only one before to-day.
Q Do you appear before the Commission at this time for the purpose of claiming rights for her in the Choctaw lands in Indian Territory under article 14 of the treaty of Dancing Rabbit Creek? A Yes.
Q Do you understand that 14th article? A Yes.
Q You have heard it explained here before the Commission? A Yes.
Q Did any of your mother's ancestors ever comply or attempt to comply with its provisions, or ever receive any benefits under that article? A I don't know.
Q Did any of them own an improvement here in the old Choctaw Nation, in Mississippi and Alabama, in the year 1830, when this treaty was made? A I don't know.
Q Did any of them live here at that time? A I don't know.
Q Were any of them recognized members of the Choctaw tribe of

Martha Jacobs, 3.

Indians at that time? A Not that I ever heard.

Q Did any of them remove from the old Choctaw Nation, here in Mississippi and Alabama, to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A I don't know.

Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi for the Choctaws know they wanted to stay here in Mississippi and become citizens of the States, and take land? A I don't know.

Q Any of them ever claim or receive any land here in Mississippi from the Government of the United States under this 14th article 1 of the treaty of Dancing Rabbit Creek? A Not that I ever heard.

Q Did any of them ever claim or receive any land here in Mississippi from the Government under the provisions of any other article of that treaty, or under the supplement to that treaty? A I don't know.

Q Did any of them ever get any land here in Mississippi from the Government? A Never heard.

Q Or any money? A Not that I ever heard of.

Q Did your mother ever get any land or money from the Government? A Never did get any money.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that that agent failed to register and report to the Government the names of many Indians who did in fact let him know that they wanted to stay here and take land, and on this account, the Government at its public land sales here in Mississippi in many instances sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under article 14 of the treaty of Dancing Rabbit Creek. This caused a great deal of complaint among the Choctaws and the matter was finally brought to the attention of Congress and Congress passed an Act which was approved on the third day of March, 1837, providing for the appointment of a Commission to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. This commission was duly appointed by the President of the United States, and the Commissioners came down here to Mississippi and heard a few of these Choctaw cases, but in the time allowed them by the Act of Congress under which they were appointed, and a later Act of Congress approved on the 22nd day of February, 1838, providing for the continuance of the commission, they were unable to dispose of but a comparatively small number of these cases. It, therefore, became necessary for Congress to make further provisions by which the remainder of these Indians might be given hearings, so another Act was passed which was approved on the 23rd day of August, 1842, providing for the appointment of

Martha Jacobs, 4.

another commission to come down here to Mississippi and finish up the hearing of these cases. This commission was duly appointed by the President of the United States and the commissioners came down here to Mississippi in the 40's and heard a great many more of these Choctaw cases.

Q Did any of your mother's ancestors appear before either of these commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A I never heard.

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in lieu thereof land elsewhere in Mississippi, or Alabama, or Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did your mother, or any of her ancestors, ever receive any of this scrip from the United States Government under this Act of Congress? A Never heard of it, if they did.

Q Did you ever see, or hear of any deed or patent issued to any of her ancestors covering land here in Mississippi received from the Government? A Never heard and never seen.

Q Do you know of any old person living who would be likely to know whether your mother, or any of her ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or even received any benefits thereunder? A I don't know of any one.

Q Have you any witnesses here to-day to testify in her behalf? A No.

If you should find any witnesses whose testimony you desire to have taken before the Commission in support of the application which you make for your mother, they may appear before the Commission here at Edinburg, at any time prior to the 10th of this month, or at Meridian, Mississippi, between the 15th of this month and the 15th of next month, or within a reasonable time thereafter at the General office of the Commission in Muskegee, Indian Territory and their testimony will be taken.

Q Have you any brothers or sisters living? A One sister, Sealy, the wife of Amos, lives in Neshoba County above Pearl River.

Q Have you any brothers or sisters dead? A Yes.

Q How many? A I don't know - two.

Q Did any of them leave children? A No.

Q Are any of your mother's brothers or sisters living? A No.

Q Has she any half brothers or half sisters? A Yes.

Q How many half brothers? A Three.

Martha Jacobs, 5.

Q What are their names? A Ellis Sam.
Q What is the other's one's name? A Peter Ben and Madison Ben.
Q Is that all of her half brothers? A Yes.
Q Has she any half sisters living? A No.
Q Are any of the children of any of her deceased brothers or sisters, or her deceased half brothers, or half sisters living?
A No.

person representing her mother she:
(This applicant has the appearance of being a full blood Indian. She speaks and understands the Choctaw language, and some English, the examination having been conducted chiefly through a sworn Choctaw interpreter.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 8th day of January, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. S. Streit
Subscribed and sworn to before me at Meridian, Mississippi, this 16th day of January, 1902.

L. B. Mosley
Clerk U. S. Circuit Court,
Southern District of Mississippi,

By *[Signature]*

Deputy.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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ccw
In the matter of the application for the identification
of Martha Jacobs as a Mississippi Choctaw, M C R 4499.

-----: D E C I S I O N . :-----

It appears from the record herein that application for
identification as a Mississippi Choctaw was made to this Commission
on January 8, 1902, by Lillie Jim, for her mother, Martha Jacobs,
under the following provision of the act of Congress approved June
28, 1898, (30 Stats., 495):

"Said Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw
lands under article fourteen of the treaty between the
United States and the Choctaw Nation, concluded September
twenty-seventh, eighteen hundred and thirty, and to that
end may administer oaths, examine witnesses, and perform
all other acts necessary thereto and make report to the
Secretary of the Interior."

From the evidence submitted in support of said application
it appears that the applicant is a full blood Mississippi Choctaw
Indian.

Section forty-one of the act of Congress entitled "An Act
to ratify and confirm an agreement with the Choctaw and Chickasaw
tribes of Indians, and for other purposes," approved July 1, 1902,
(32 Stats., 641), and ratified by the Choctaw and Chickasaw Nations
September 25, 1902, provides as follows:

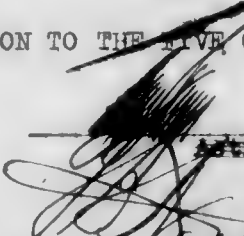
"The application of no person for identification as a
Mississippi Choctaw shall be received by said Commission
after six months subsequent to the date of the final
ratification of this agreement and in the disposition of
such applications all full blood Mississippi Choctaw Indians
and the descendants of any Mississippi Choctaw Indians
whether of full or mixed blood who received a patent to


(2)

land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is, therefore, the opinion of this Commission that Martha Jacobs should be identified as a Mississippi Choctaw, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

APR 17 1903


Commissioner.

K.C.R. 4499.

COPY.

Muskogee, Indian Territory, April 17, 1903.

Mansfield, McKurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered April 17, 1903, identifying Martha Jacobs as a Mississippi Choctaw Indian, under the provisions of the forty-first section of the act of Congress approved July 1, 1902, (32 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying Martha Jacobs as a Mississippi Choctaw, and make satisfactory proof of service of said protest upon the applicant herein.

If you fail to file such protest within the time allowed, the name of the applicant herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

(SIGNED) *Tame Bixby.*

Chairman.

Registered.
Enc.: 4499.

N.C.R. 4499.

COPY.

Muskogee, Indian Territory, May 4, 1903.

Martha Jacobs,

Hope, Mississippi.

Dear Madam:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered April 17, 1903, identifying you as a Mississippi Choctaw Indian under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before October 17, 1903, you will have six months from that date, or until April 17, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully, (SIGNED)

Tams Bixby.

Chairman.

Registered.

Enc. 4499.

M.C.R. 4499.

COPY.

Muskogee, Indian Territory, May 4, 1903.

Martin Jacobs,

Hope, Mississippi.

Dear Madam:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered April 17, 1903, identifying you as a Mississippi Choctaw Indian under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before November 4, 1903, you will have six months from that date, or until May 4, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

(SIGNED)

Tams Bixby.
Chairman.

Registered.

Enc. 4499.

REFER TO M. C. R. 4499

Consolidated Case

*Martha Jacobs,
et al*

Junior full Dead
 married Sam full Dead
 Brn, full Dead

Jim Sam, Dead
 wife
 ① Lucy Sam, Dead
 ② Sallie Sam, Living

married
 Martha Sam, 70, full
 married
 Jacobs, Dead

married
 Ellis Sam, 68, full
 wife
 ① Mollie Sam, Dead
 ② Julia Sam, 45, full

married
 Jim Sam, 45, full
 married
 Freely Sam, 18, full
 married
 John Dixon 28, full
 married
 Huddleston Sam, 21, full

married
 Leah Ann Jacobs, 40, full
 married
 Amos, 40, full
 married
 Lillie Jacobs, 40, full
 married
 Steve Jim, full
 Included in Case Dec 1985

married
 John Amos, 17
 Lizzie Amos, 15
 Lamy Amos, 12
 Waston Amos, 9

Children included in
 consolidated Case No. 1985

married
 Green Sam, 30 full
 wife
 Eliza Jane Sam, 28, full
 married
 Nannie Sam, full 20
 married
 Brn Primus

married
 Sam Jones Sam, 12
 Ephram Sam, 9
 Dixie Sam, 7
 Hugh Summers Sam, 1
 married
 Matthe Primus 2

married
 Martha Sam, 28, full
 married
 Richmond Billey, full
 married
 Fountain Sam, 13

married
 Lizzie Billey, 9
 Harrison Billey, 6
 Esther Billey, 1

Jannie

full, dead

married

Sam. full, dead

Ben. full, dead

mck
4236

Peter Ben 59, full
(ah-fin-ad-tubbae)

wife

① Winnie Ben, full

x ② Laura Ben, 12

x now wife of Madison Ben
consolidated here with

mck
2171

Sealy Ben 46, full

married

x Scott York, 43, full

x father - Solomon York

Nancy Ben. dead

married
Willie Nelson, dead

mck
4235 Robison Ben, 33, full

married
x Missouri Willie, 24, full

x Mother - Louisa Willie

mck
4234 Phelia Ann Ben, 32, full

married
① William Johnson, L

② Jeff Jacobay, L

③ Harrison Nelson, dead

Drump Ben, 23, full

married
x Ben Comby, 27, full

included in consolidated case of Elan Ben

mck
4233 Jim Ben, 25, full

married
x Sophia Joshua, L full

x father - Sam Joshua

mck
4232 Blea Ben, 9, 3/4

mck
4231 Finkley Ben 5, 3/4

mck
2191 John York, 19

Taylor York, 17

Evan York, 15

Bennett York 13

Ben York 9

Alom York 7

mck
4216

Bert Nelson, 10

mck
4215

Maggie Ben 7

Charlie Ben 4

Floyd Ben, 8

mck
4214

Sisco Nelson

mck
4213

Seymour Condy 1

mck
4212

John Ben, 7

Sam Ben, 2 mo

Jennie full dead
married

① Sam, full dead
② Ben, full dead

met
4378
Madison Ben, 50, full
married

① Eliza Baker, full dead
② Laura Sam 1/2 Living

met
2077
Amy Ben, 18,
married
Yarley Willis, full, 43

met
4378
Jessie Ben, 18
Ida Ben, 14
Charlie Ben, 3
Olin Ben, 1

Bowley Ben ?
married
Willie Tobe ?

met
2157
Watt Ben, 30, full
married

x " Ozie Charles, 28, full
x Father - Ben Charles. D
x Mother - Sallie " X

met
2157
Thomas Ben 6

No. 4438

For Identification as a Mississippi Choctaw.
Edinburg, Miss.

Date JAN 8 1902

Name Martha Jacobs
represented by her daughter Lottie Lewis
Age 70 Blood full.

Post Office, Hope, Miss.

Father: don't know d

Mother: Jennie d

(Claims through both parents
(See Miss. Choct. card filed No 291.)

(Check for Martha Jacobs only)

Children:

Stenographer

R. S. Strait.

Choctaw MCR 4500

Sallie Jim

MCR 4500

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Sallie Jim, et al.,
for identification as Mississippi Choc-
taws, M C R 4500.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Sallie Jim, et al.,
for identification as Mississippi Choctaws, M C R 4500.

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4500

Department of the Interior,
Commission to the Five Civilized Tribes,
Edinburg, Mississippi, January 8, 1902.

In the matter of the application of Sallie Jim for the identification of herself and one minor child, Mary Jim, as Mississippi Choctaws.

Sallie Jim, having been first duly sworn, upon her oath testified as follows: (Oscar Billey, Official Interpreter.)

Examination by the Commission.

- Q What is your name? A Sallie Jim.
Q How old are you? A Twenty three.
Q How much Choctaw blood have you? A Full blood.
Q What's your post office address? A Hope, Neshoba County, Mississippi.
Q How long have you lived in Neshoba County, Mississippi? A All my life.
Q Is your father living? A Yes.
Q What's his name? A Steve Jim.
Q Is he a full blood Choctaw? A Yes.
Q Where does he live? A Close to Hope.
Q Has he lived in Neshoba County all his life? A Yes.
Q Has he a Choctaw name? A No.
Q Do you know the name of his father? A Yes.
Q What's his name? A Jim Isaac.
Q Where does he live? A Close to Hope.
Q Is he a full blood Choctaw? A Yes.
Q Has he always lived in Mississippi? A Yes.
Q Has he a Choctaw name? A Yes.
Q What is it? A Tin-cha.
Q Do you know the name of either one of his parents? A No.
Q Is your father's mother living? A Yes.
Q What's her name? A Mary.
Q Is she a full blood Choctaw? A Yes.
Q Has she always lived in Mississippi? A Yes.
Q Has she a Choctaw name? A I don't know.
Q Is your mother living? A Yes.
Q What's her name? A Lillie.
Q Has she a Choctaw name? A I don't know.
Q Is she a full blood Choctaw? A Yes.
Q Has she always lived in Mississippi? A Yes.
Q Is her father living? A I don't know.
Q What's his name? A I don't know.
Q Is her mother living? A Yes.
Q What's her name? A Martha.
Q Martha Jacobs? A Yes.
Q Where does she live? A Lives with my mother.
Q Is Martha a full blood Choctaw? A Yes.
Q Has she always lived in Mississippi? A Yes.
Q About how old is she? A I don't know.
Q Give us an idea? A About seventy.
Q Have all of your ancestors been full blood Choctaws? A Yes.
Q Have they always lived in Mississippi, all of them? A Yes.

Sallie Jim, et al., 2.

Q Are you married? A Yes.
Q Husband living? A Yes.
Q Are you living with him? A No.
Q How long have you been separated? A About one month.
Q Are you separated for good? A Yes.
Q Were you married to him under a license or according to the Choctaw custom? A Choctaw custom.
Q What's his name? A Goodman Jim.
Q How long did you live with him? A Eight years.
Q Is he a full blood Choctaw? A Yes.
Q Always live here in Mississippi? A Yes.
Q Where does he live? A Near Sierra, in Neshoba County.
Q Have you ever been married more than once? A No.
Q Has he ever been married more than once? A Yes, he married since we separated.
Q Who is his wife now? A I don't know, the daughter of Little Lewis.
Q Is Goodman Jim's father living? A Yes.
Q What's his name? A Bob Jim.
Q Is Goodman's mother living? A Yes.
Q What's her name? A Bicey Jim.
Q Are they both full bloods? A Yes, sir.
Q Have they always lived in Mississippi? A Yes.
Q Have either of them Choctaw names? A I don't know.
Q Where do they live now? A Right near Sierra.
Q Do you know the names of either of their parents? A No, I don't know.
Q Have you any children living? A Yes, one living with me.
Q What is it's name? A Mary.
Q How old is Mary? A Born March 6th last year.
Q This application, then, is for yourself and one child, is that correct? A Yes.
Q Is this child the child of yourself and Goodman Jim? A Yes.
Q Is your name to be found upon any of the Choctaw tribal rolls in Indian Territory? A No.
Q Did you, or any one for you, ever make application to the Choctaw tribal authorities in Indian Territory to be admitted or enrolled as a member of that tribe? A No.
Q Did you, or any one for you, in the year 1896, ever make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the Act of Congress approved June 10, 1896? A I don't know.
Q Have you ever made any application of any kind before to-day, or has anyone else ever made any application for you? A Yes, at Philadelphia, three years ago.

The records of the Commission show that on the 3rd day of February, 1899, application was made to the Commission at Philadelphia, Mississippi, for the identification of Goodman Jim, his wife, Sallie, this applicant, and two minor children, Arna and Beat, as Mississippi Choctaws, their names appearing upon Mississippi Choctaw Card, Field Number 325; also, upon page 78 of the Schedule which accompanied the report of March 10, 1899, of the Commission to the Five Civilized Tribes to the Secretary of the Interior, as to the identity of Choctaw Indians residing in Mississippi, claiming rights in the Choctaw lands in Indian Territory,

Sallie Jim, et al., 3.

under the provisions of article 14 of the treaty of Dancing Rabbit Creek, being Numbers 1155, 1156, 1157 and 1158, respectively, thereon.

Q Are either of these children for whom application was made in 1899, dead now? A Yes, one is dead, Arna, died on the 20th of March, 1899.

Q Are the other two ~~application~~ children living with you at this time? A No, one aint living with me, Mary is the only one living with me.

Q Who does the other one live with? A Its father took the other one.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and minor child under article 14 of the treaty of Dancing Rabbit Creek? A Yes.

Q Do you understand that 14th article? A No.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, a part of which is now occupied by the greater portion of the Choctaw tribe of Indians, and is commonly known as the Choctaw Nation, Indian Territory. At the time the treaty was made some of the Choctaws were unwilling to leave this country, and for the benefit of those who wanted to stay here what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions, a Choctaw who lived here might remain here and receive land from the Government. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months after the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to

Sallie Jim, et al., 4.

be entitled to any portion of the Choctaw annuity."

Q Do you understand that 14th article now? A Yes.

Q Did any of your ancestors, or any of your husband's ancestors, ever comply or attempt to comply with its provisions or ever receive any benefits under that article? A I don't know.

Q Any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama, in 1830, when this treaty was made? A I don't know.

Q Any of them ~~remains~~ ~~from~~ life here at that time? A No.

Q Were any of them recognized members of the Choctaw tribe of Indians here at that time? A I don't know.

Q Did any of them remove from the old Choctaw Nation, here in Mississippi and Alabama, to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A I don't know.

Q Any of them, within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi, for the Choctaws, know they wanted to stay here in Mississippi and become citizens of the States and take land? A I don't know.

Q Any of them ever claim or receive any land here in Mississippi from the Government under article 14 of the treaty of Dancing Rabbit Creek? A I don't know.

Q Any of them ever claim or receive any land here in Mississippi from the Government of the United States under any other article of that treaty, or under the supplement to that treaty? A I don't know.

Q Did any of them ever receive any land here in Mississippi from the Government so far as you know? A I don't know.

Q Did any of them ever get any money from the Government? A I don't know.

Q Were any of them recognized members of the Choctaw tribe of Indians? A I don't know.

Q Did any of them ever receive any benefits as such? A I don't know.

Q Did any of them ever live in Indian Territory? A I don't know.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the ~~Choctaw~~ Government show that this agent failed to register and report to the Government the names of many Choctaws who did in fact let him know that they intended to stay here in Mississippi and take land, and on this account, the Government at its public land sales here in Mississippi in many instances sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under article 14 of the treaty. This caused a great deal of complaint among the Choctaws, and the matter was finally brought to the attention of Congress, and Congress passed an Act which was approved on the third day of March, 1837, providing for the appointment of a commission to come down here to

Sallie Jim, et al., 5.

Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. This commission was duly appointed by the President of the United States, and the commissioners came down here to Mississippi and heard a few of these Choctaw cases, but in the time allowed them by the Act of Congress under which they were appointed, and a later Act of Congress approved on the 22nd day of February, 1838, providing for the continuance of this commission, they were unable to dispose of but a comparatively small number of these cases. It, therefore, became necessary for Congress to make further provisions by which the remainder of these Indians might be given hearings, so another Act was passed, which was approved on the 23rd day of August, 1842, providing for the appointment of another commission to come down here to Mississippi and finish up the hearing of these Choctaw cases. This commission was duly appointed by the President of the United States and the Commissioners came down here to Mississippi in the forties and heard a great many more of these Choctaw cases.

Q Did any of your ancestors, or any of Goodman Jim's ancestors, appear before either of these commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A I don't know.

The Act of Congress approved August, 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in lieu thereof land elsewhere in Mississippi, or Louisiana, or Alabama, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors, or any of the ancestors of your husband, ever receive any of this scrip from the Government of the United States under this Act of Congress? A I don't know.

Q Did you ever see or hear of any deed or patent issued to any of your ancestors or any of the ancestors of your husband covering land here in Mississippi received from the Government of the United States? A No, never seen any.

Q Do you know of any old person living who would likely know whether any of your ancestors or any of your husband's ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, don't know of any.

Q Have you any witnesses here to-day? A No.
If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear at

Sallie Jim, et al., 6.

Edinburg before the 10th of this month, or at Meridian, Mississippi, between the 15th of this month and the 15th of next month, or within a reasonable time thereafter at the General office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

Q Have you any brothers living? A Yes.
Q How many? A Three.
Q What are their names? A Albert Jim.
Q The next one? A Simmon Jim.
Q The next one? A Isaac Jim.
Q Have you any sisters living? A Yes.
Q How many? A Three.
Q What are their names? A Ona.
Q Is she married? A No.
Q The next one? A Frances.
Q Is Frances married? A No.
Q The next one? A Ellen.
Q Is she married? A No, I have got a sister married, Aney.
Q What's her husband's name? A Willie Jimmy.

(This applicant has the appearance of being a full blood Indian. She speaks and understands the Choctaw language, and very little English, the examination having been conducted almost entirely through a sworn Choctaw interpreter.)

Special reference is made is made to the testimony of Jim Isaac, her grand father, in the matter of the application of Jim Isaac, et al. for identification as Mississippi Choctaws, heard at Edinburg, Mississippi, on the sixth day of this month.

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 8th day of January, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

Subscribed and sworn to before me at Meridian, Mississippi, this 16th day of January, 1902.

L. R. Morley
Clerk U.S. Circuit Court,
Southern District of Mississippi,

By *[Signature]*

Deputy.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----oOo-----

Cover

In the matter of the application of Sallie Jim, et al.,
for identification as Mississippi Choctaws, M C R 4500.

-----: D E C I S I O N :-----

It appears from the record herein that application for
identification as Mississippi Choctaws was made to this Commission
on January 9, 1902, by Sallie Jim, for herself, and her minor
child, Mary Jim, under the following provision of the act of Con-
gress approved June 28, 1898, (30 Stats., 495):

"Said Commission shall have authority to determine the
identity of Choctaw Indians, claiming rights in the Choctaw
lands under article fourteen of the treaty between the United
States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, and to that end may ad-
minister oaths, examine witnesses, and perform all other acts
necessary thereto and make report to the Secretary of the
Interior."

From the evidence submitted in support of said application
it appears that the applicants are full-blood Mississippi Choctaw
Indians.

Section forty-one of the act of Congress entitled "An Act
To ratify and confirm an agreement with the Choctaw and Chickasaw
tribes of Indians, and for other purposes," approved July 1, 1902,
(32 Stats., 641), and ratified by the Choctaw and Chickasaw Nations
September 25, 1902, provides as follows:

"The application of no person for identification as a
Mississippi Choctaw shall be received by said Commission after
six months subsequent to the date of the final ratification of
this agreement and in the disposition of such applications all

full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is, therefore, the opinion of this Commission that Sallie Jim and Mary Jim should be identified as Mississippi Choctaws, and it is so ordered.


Acting Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

FEB 14 1902

COPY

M.C.R. 4800.

Muskogee, Indian Territory, February 21, 1903.

Manfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered February 14, 1903, identifying Sallie Jim, and minor child Mary Jim as Mississippi Choctaw Indians under the provisions of the forty-first section of the act of Congress approved July 1, 1902, (32 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof, in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Sallie Jim and child as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein.

If you fail to file such protest within the time allowed, the names of the applicants herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

(SIGNED).

Tams Bixby.
Acting Chairman.

Registered.

Enc. W.C.B. 7.

COPY:

M.C.R. 4500

Muskogee, Indian Territory, March 11, 1903.

Sallie Jim,

Hope, Mississippi.

Dear Madam:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 14, 1903, identifying yourself and your minor child, Mary Jim, as Mississippi Choctaw Indians under the provisions of section 41 of the act of Congress approved July 1, 1902 (32 Stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before August 14, 1903, you will have six months from that date, or until February 14, 1904, within which to make proof of such removal and settlement at the office of the Commission at Ateka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

Tamm D. H. H.

Registered

(SIGNED)

Chairman.

Enclosure 4500

Miss. Choctaw. Cars filed No. 325.

BIRTH AFFIDAVIT.

FOR IDENTIFICATION AS

A MISSISSIPPI CHOCTAW

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for ^{Identification} ~~Registration~~, as a citizen of the MISSISSIPPI CHOCTAW.

Nation,

of Mary Jim, born on the 6 day of March, 1901
(Here insert name of child)

Name of Father: Goodman Jim, a citizen of the MISSISSIPPI CHOCTAW. Nation.

Name of Mother: Sallie, a citizen of the MISSISSIPPI CHOCTAW. Nation.

Post-office, Hope, Miss

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,

State of Mississippi
County of Leake
I, Sallie Jim

, on oath state that I am 23

years of age and a citizen, by Full Blood, of the Choctaw Indian Nation;

that I ^{was} ~~am~~ the lawful wife of Goodman Jim, who is a citizen, by

Full Blood, of the Choctaw Indian Nation, that a Female child was
(male or female)

born to me on the 6 day of March, 1901; that said child has been

named Mary Jim, and is now living.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,

State of Mississippi
County of Leake

Sallie Jim, on oath state that I am *23*

years of age and a *Full Blood* of the *Choctaw Indian* Nation;

that I ^{was} the lawful wife of *Goodman Jim*, who is a citizen, by

Full Blood of the *Choctaw Indian* Nation, that a *Female* child was

born to me on the *6* day of *March* *1901*; that said child has been

named *Mary Jim*, and is now living.

WITNESSES TO MARK

(Must be Two Witnesses)

Sallie Jim
Guy L. V. Emerson
R. S. Streit

Subscribed and sworn to before me this *8* day of *Jan* *1902*

L. B. Mosely Clerk
By *W. S. Circuit Court*

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,

State of Mississippi
County of Leake

Lillie Jim, on oath state that I

attended on Mrs. *Sallie Jim*, wife of *Goodman Jim*,

on the *6* day of *March* *1901*; that there was born to her on

said date a *Female* child; that said child is now living and is said to have been

named *Mary Jim*.

WITNESSES TO MARK:

(Must be Two Witnesses)

Lillie Jim
Guy L. V. Emerson
R. S. Streit

Subscribed and sworn to before me this *8* day of *Jan* *1902*

L. B. Mosely Clerk
U. S. Circuit Court
By *W. S. Circuit Court*

**FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.**

IN RE
Identification
Application for ~~citizenship~~ of
INFANT CHILD

Mary Jim
as a citizen of

MISSISSIPPI CHOCTAW.

Nation.

Approved,

190

**FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW**

Commissioner.

See Miss Cho Card Filed No 325.

The within application is accepted as evidence of the birth of the within named child and is to be filed with and made a part of the original application of the parents for identification as Mississippi Choctaws, but is not to be considered as an application for its enrollment as a citizen of the Choctaw Nation.

[Signature]

Acting Chairman.

MISSISSIPPI CHOCTAW #325

4500

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

JAN 15 1902

[Signature]

ACTING CHAIRMAN.

No. 19

No. 4500

For Identification as a Mississippi Choctaw.
Edinburg, Miss.

Date _____
Name *Sallie Jim*
Age *23* Blood *full*
Post Office *Hope, Miss*
Father: *Steve Jim* L.
Mother: *Lillie* L.

Claims through *both parents*
Husband: *Goodman, Jim (full)* L.
Father: *Bob* "
Mother: *Bicy* "
(Claims for self and one child. "Separated from husband")

Children:

Mary, Jim 9mo
(See Miss Choctaw card field No 325.)

Father of Steve = Jim Isaac (Im-cha) f.b. L.
Mother " = Mary " f.b. L.
" Lillie = Martha Jacob f.b. L.

Stenographer

R. S. Street

REGISTRATION AS R. 4500
Sallie Jane et al.

RH500

COPY OF DECISION FORWARDED
APPLICANT

MAR 11 1903

Choctaw MCR 4501

Wilson Jim Isaac

MCR 4501

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----oOo-----

In the matter of the application of Wilson Jim-Isaac,
et al., for identification as Mississ-
ippi Choctaws, M C R 4501.

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DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Wilson Jim-Isaac, et
al., for identification as Mississippi Choctaws, M C R 4501.

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-----: I N D E X :-----

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4501

Department of the Interior,
Commission to the Five Civilized Tribes,
Edinburg, Mississippi, January 8, 1902.

In the matter of the application of Wilson Jim-Isaac for the identification of himself, his wife, Martha, and three minor children, Lee, William and Jackson, as Mississippi Choctaws.

Wilson Jim-Isaac, having been first duly sworn, upon his oath testified as follows: (Oscar Billey, Official Interpreter.)

Examination by the Commission.

- Q What is your name? A Wilson Jim-Isaac.
Q How old are you? A Forty eight.
Q How much Choctaw blood have you? A Full blood.
Q What's your post office address? A Trapp, Mississippi.
Q How long have you lived in Neshoba County? A All my life.
Q Is your father living? A Yes.
Q What's his name? A Jim Isaac.
Q Is he the Jim Isaac who appeared before the Commission here at this place on the 6th of this month? A Yes.
Q Is he a full blood Choctaw? A Yes.
Q Has he always lived here in Mississippi? A Yes.
Q Has he a Choctaw name? A Yes.
Q What is it? A Tin-cha.
Q Is your father's father living? A No.
Q Or your father's mother? A No.
Q Do you know the name of either one of them? A I don't know.
Q Is your mother living? A Yes.
Q What's her name? A Mary.
Q Is she a full blood Choctaw? A Yes.
Q Has she always lived in Mississippi? A Yes.
Q Has she a Choctaw name? A Yes.
Q What is her Choctaw name? A He-ka.
Q Is your mother's mother living? A No.
Q What was her name? A I don't know.
Q Is your mother's father living? A No.
Q What is her name? A Wesheckshehohah.
Q So far as you know, have all of your ancestors, and all of your wife's ancestors always lived here in the State of Mississippi?
A Yes.
Q Have they all been full blood Choctaws? A Yes.
Q What's the name of your wife? A Martha.
Q Are you living with her at this time? A Yes.
Q How old is she? A Thirty six.
Q Do you want to make application for her too? A Yes.
Q Is she a full blood Choctaw? A Yes.
Q How long have you lived with her? A Nine years.
Q Were you married to her under a license or according to the Choctaw custom? A Choctaw custom.
Q Have you been married more than once? A Yes.
Q Have you any children by your first wife? A No.
Q None living? A None living.
Q Is your first wife living? A Dead.
Q How long has she been dead? A Eighteen years.
- 1

Wilson Jim-Isaac, et al., 2.

Has your present wife been married more than once? A No.
Q Has she always lived in the State of Mississippi? A Yes.
Q Is her father living? A No.
Q What was his name? A John Waiter.
Q Did he have a Choctaw name? A Yes.
Q What was it? A Im-miah-tubbee.
Q Did he always live in the State of Mississippi? A Yes.
Q Was he a full blood Choctaw? A Yes.
Q How long has he been dead? A About twelve years.
Q How old was he when he died? A About sixty eight.
Q Do you know the name of his father? A No.
Q Or his mother? A I don't know.
Q Is your wife's mother living? A No.
Q What was her name? A Emily.
Q Was she a full blood Choctaw? A Yes.
Q Did she always live in the State of Mississippi? A Yes.
Q Did she have a Choctaw name? A No.
Q How old would Emily be if she were living now? A She would be about fifty, if she were living now.
Q Do you know the name of either one of her parents? A No, I don't know.
Q So far as you know, have all of your wife's ancestors been full blood Choctaws? A Yes.
Q Have they always lived here in Mississippi? A Yes.
Q Have you any children living? A Yes.
Q How many? A Three.
Q What are their names? A Lee.
Q A boy? A Yes.
Q How old? A Seven years old.
Q Next one? A William, six.
Q Next one? A Jackson, born on the second day of October, 1900.
Q Are these three children living with you at this time? A Yes.
Q Are they all three the children of yourself and Martha? A Yes.
Q This application is for yourself, your wife and three minor children, is that correct? A Yes.
Q Is your name, or your wife's name, or the name of any one of these children to be found upon any of the Choctaw tribal rolls in Indian Territory? A No.
Q Did you ever make application for yourself, wife or either of these children to the Choctaw tribal authorities in Indian Territory to be admitted or enrolled as members of that tribe? A No.
Q Did you, or any one for you, in the year 1896, make application to the Commission to the Five Civilized Tribes, for citizenship in the Choctaw Nation for yourself, wife or any one of these children? A No.
Q Have you ever made any application of any description before to-day for yourself, wife or any of these children to be admitted or enrolled as members of that tribe? A Yes, at Decatur, Mississippi, three years ago.

The records of the Commission show that this applicant appeared before the Commission at Decatur, Mississippi, and made application for the identification of himself, his wife, Martha, and children, Lee and William, as Mississippi Choctaws, their names appearing upon Mississippi Choctaw card, Field Number 298; also, upon page 74 of

Wilson Jim-Isaac, et al., 3.

the Schedule which accompanied the report of March 10, 1899, of the Commission to the Five Civilized Tribes, to the Secretary of the Interior, as to the identity of Choctaw Indians residing in Mississippi, claiming rights in the Choctaw lands under the provisions of article 14 of the treaty of Dancing Rabbit Creek, being Numbers 1035, 1035, 1037, 1038, respectively, thereon.

Q Is this application made at Decatur, three years ago, the only application of any kind that has ever been made for any of you? A Yes.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself, wife and three minor children under article 14 of the treaty of Dancing Rabbit Creek? A Yes.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government, and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama to the new country west of the Mississippi River, a portion of which is not occupied by the greater portion of the Choctaw tribe of Indians, and is commonly known as the Choctaw Nation Indian Territory. At the time the treaty was made, some of the Choctaws were unwilling to leave this country, and for the benefit of those who wanted to stay here, what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who preferred to remain here might receive land from the Government.

Q Do you understand that 14th article? A Yes.

Q You have heard it explained here before the Commission have you not? A Yes.

Q Did any of your ancestors, or any of your wife's ancestors ever comply or attempt to comply with the provisions of this 14th article or ever receive any benefits under that article? A No.

Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830, when this treaty was made? A I don't know.

Q Did any of them live here at that time? A I don't know.

Q Were any of them recognized members of the Choctaw tribe here at that time? A I don't know.

Q Did any of them remove from the old Choctaw Nation, here in Mississippi and Alabama to the present Choctaw Nation, in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A No.

Wilson Jim-Isaac, et al., 4.

Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi for the Choctaws know they wanted to stay here in Mississippi and become citizens of the States and take land? A I don't know.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A I don't know.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under any other article of that treaty, or under the supplement to that treaty? A I don't know.

Q Did any of your ancestors, or any of your wife's ancestors, ever get any land here in Mississippi from the Government of the United States? A I don't know.

Q Or any money from the Government? A I don't know.

Q Were any of them ever recognized members of the Choctaw tribe of Indians? A I don't know.

Q Did any of them ever receive any benefits as such? A I don't know.

Q Did any of them ever live in Indian Territory? A I don't know.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this agent failed to register and report to the Government the names of many Indians who did in fact let him know that they wanted to remain here and become citizens of the States and take land, and on this account the Government of the United States, in many instances, at its public land sale here in Mississippi sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under article 14 of the treaty. This caused a great deal of complaint among the Choctaws, and the matter was finally brought to the attention of Congress, and Congress passed an Act which was approved on third day of March, 1837, providing for the appointment of a commission to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. This commission was duly appointed by the President of the United States, and the Commissioners came down here to Mississippi and heard a few of these Choctaw cases but in the time allowed them by the Act of Congress under which they were appointed, and a later Act of Congress which was approved on the 22nd day of February, 1838, providing for the continuance of this commission, they were unable to dispose of but a comparatively small number of these cases. It, therefore, became necessary for Congress to make further provisions by which the remainder of these Indians might be given hearings, so another Act was passed which was approved on the 23rd day of August, 1842, providing for the appointment of another commission to come

Wilson Jim-Iasao et al., 5.

down here to Mississippi and finish up the hearing of these Choctaw cases. This commission was duly appointed by the President of the United States and the Commissioners came down here to Mississippi in the forties, and heard a great many more of these Choctaw cases.

Q Did any of your ancestors, or any of your wife's ancestors appear before either of these commissions, and attempt to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A I don't know.

The Act of Congress, approved August 23, 1842, provided that, in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in lieu thereof land elsewhere in Mississippi, or Louisiana, or Alabama, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors, or any of your wife's ancestors ever receive any of this scrip from the United States Government under this Act of Congress? A I don't know.

Q Did you ever see or hear of any deed or patent issued to any of your ancestors, or any of your wife's ancestors, covering land here in Mississippi received from the Government? A No.

Q Do you know of any old person living who would likely know whether any of your ancestors or any of your wife's ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A I don't know of any one.

Q Have you any witnesses here to-day? A No.

If you should find any witnesses whose testimony you desire to have taken before the Commission, they may appear before the Commission to-day or tomorrow here at Edinburg or between the 15th of this month and the 15th of next month at Meridian, Mississippi, or within a reasonable time thereafter at the General office of the Commission at Muskogee, Indian Territory, and their testimony will be taken.

Q Have you any brothers living? A Yes.

Q How many? A Three, Adam Jim, Dixon Jim and Steve Jim.

Q Have you any sisters living? A Two, Nancy Wait and Sophia Willis.

Q That all? A Yes.

Q Have you any brothers or sisters dead? A One brother and one sister dead.

Q Were they grown at the time of their death? A No, small.

Q Are any of your wife's brothers or sisters living? A Yes.

Wilson Jim-Isaac, et al., 6a.

- Q How many? A Two.
Q Brothers or sisters? A Brothers
Q What are their names? A McNeal Walter.
Q The other one? A Tom Walter.
Q Where do they live? A Four miles from Philadelphia.
Q Has your wife any sisters living? A No.
Q Has she any brothers or sisters dead? A One sister dead.
Q Was she grown at the time of her death? A No, little girl.
Q Are any of your wife's father's brothers or sisters or any of their children living? A No.
Q Are any of your wife's mother's brothers or sisters, or any of their children living? A No.

(This applicant has the appearance of being a full blood Indian. Speaks and understands the Choctaw language and some English, the examination having been conducted partially in English and partially through a sworn Choctaw interpreter.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 8th day of January, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

Subscribed and sworn to before me at Meridian, Mississippi, this 16th day of January, 1902.

L. B. Moreley
Clerk U.S. Circuit Court,
Southern District of Mississippi.

By *[Signature]*

Deputy.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Wilson Jim-Isaac, et al., for identification as Mississippi Choctaws, M.C.R.4501.

-----: D E C I S I O N :-----

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission on January 8, 1902, by Wilson Jim-Isaac, for himself, his wife, Martha Jim-Isaac, and his three minor children, Lee, William and Jackson Jim-Isaac, under the following provision of the act of Congress approved June 28, 1898, (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

From the evidence submitted in support of said application it appears that the applicants are full-blood Mississippi Choctaw Indians.

Section forty-one of the act of Congress entitled "An Act To ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes," approved July 1, 1902, (32 Stats., 641), and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement, and in the disposition of such applications all

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Meeting Chairman.

~~Commissioner.~~

Commissioner

Muskogee, Indian Territory.

APR 17 1905

W E Harvey
Commissioner

COPY.

H.C.R. 4501.

Waukegan, Indian Territory, April 17, 1903.

Hanfield, McHurray & Gornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered April 17, 1903, identifying Wilson Jim-Isaac, his wife, Martha Jim-Isaac, and minor children, Lee Jim-Isaac, William Jim-Isaac and Jackson Jim-Isaac, as Mississippi Choctaw Indians, under the provisions of the forty-first section of the act of Congress approved July 1, 1902, (32 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Wilson Jim-Isaac, his wife and children as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein.

If you fail to file such protest within the time allowed, the names of the applicants herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

Tama Bixby.

Chairman.

Registered.
Enc. 4501.

M C R 4501

COPY.

Muskogee, Indian Territory, May 4, 1903.

Wilson Jim-Isaac,

Trapp, Mississippi.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered April 17, 1903, identifying yourself, your wife, Martha Jim-Isaac and minor children, Lee Jim-Isaac, William Jim-Isaac and Jackson Jim-Isaac as Mississippi Choctaw Indians under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before October 17, 1903, you will have six months from that date or until April 17, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

(SIGNED)

Registered.

No. 4501

Tame Birby.

Chairman.

COPY

M.C.R. 4501

Kaskegee, Indian Territory, May 4, 1903.

Wilson Jim-Isaac,

Trapp, Mississippi.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered April 17, 1903, identifying yourself, your wife, Martha Jim-Isaac and minor children, Lee Jim-Isaac, William Jim-Isaac and Jackson Jim-Isaac as Mississippi Choctaw Indians under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before November 4, 1903, you will have six months from that date or until May 4, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

Chairman.

Registered.

Enc. 4501.

Miss Choctaw fees No. 298.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW

BIRTH AFFIDAVIT.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

a Identification
IN RE Application for ~~Birthright~~, as a ~~Citizen of the~~ MISSISSIPPI CHOCTAW, ~~Nation~~,
of Jackson Jim Isaac, born on the 2 day of October, 1901
(Here insert name of child)
Name of Father: Wilson Jim Isaac, a ~~citizen of the~~ MISSISSIPPI CHOCTAW, ~~Nation~~.
Name of Mother: Martha, a ~~citizen of the~~ MISSISSIPPI CHOCTAW, ~~Nation~~.
Post-office, Trapp, Miss

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,

State of Mississippi
County of Leflore
Martha Jim Isaac

Martha Jim Isaac, on oath state that I am 36
years of age and a ~~citizen~~ *Full Blood*, of the Choctaw Indian Nation;
that I am the lawful wife of Wilson Jim Isaac, who is a ~~citizen~~ *Full Blood*, of the Choctaw Indian Nation, that a Male child was
(male or female)
born to me on the 2nd day of October, 1901; that said child has been
named Jackson Jim Isaac and is now living.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,

State of Mississippi,
County of Pearl River.

I, Martha Jim-Isaac, on oath state that I am 36
years of age and a citizen by ~~birth~~ ^{Full Blood} ~~of the~~ Choctaw Indian Nation;
that I am the lawful wife of Wilson Jim-Isaac, who is a citizen by
~~Full Blood~~ ^{Full Blood} ~~of the~~ Choctaw Indian Nation, that a Male child was
(male or female)
born to me on the 2nd day of October 1901; that said child has been
named Jackson Jim-Isaac and is now living.

WITNESSES TO MARK:
(Must be Two Witnesses) Guy L. V. Emerson Mark
R. S. Streit Mark

Subscribed and sworn to before me this 8 day of Jan. 1902.

L. B. Mosely, Clerk
U. S. Circuit Court for the District of Mississippi
By J. M. S. C.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MIDWIFE.

UNITED STATES OF AMERICA,

State of Mississippi,
County of Pearl River.

I, Wilson Jim-Isaac, on oath state that I
attended on Mrs. Martha Jim-Isaac, wife of Wilson Jim-Isaac,
on the 2 day of October 1901; that there was born to her on
said date a Male child; that said child is now living and has been
(male or female.)
named Jackson Jim-Isaac.

WITNESSES TO MARK:
(Must be Two Witnesses) Guy L. V. Emerson Mark
R. S. Streit Mark

Subscribed and sworn to before me this 8 day of Jan. 1902.

L. B. Mosely, Clerk
U. S. Circuit Court for the District of Mississippi
By J. M. S. C.

FOR IDENTIFICATION
A MISSISSIPPI CHOCTAW.

IN RE
Identification
Application for Enrollment of

INFANT CHILD

Jackson, Jim Isaac
is a citizen of

MISSISSIPPI CHOCTAW.

Nation.

Approved,

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW

190

Commissioner.

See Miss Choctaw Card File No 298

The within application is accepted as evidence of the birth of the within named child and is to be filed with and made a part of the original application of the parents for identification as Mississippi Choctaws, but is not to be considered as an application for its enrollment as a citizen of the Choctaw Nation.

[Signature]

Acting Chairman.

4501

MISSISSIPPI CHOCTAW. # 298

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

JAN 15 1902

[Signature] ACTING CHAIRMAN.

No. 4501

For Identification as a Mississippi Choctaw.
Edinburg, Miss.

Date JAN 8 1902

Name Wilson Jim Isaac

Age 48 Blood full

Post Office, Trapp, Miss.

Father: Jim Isaac L.

Mother: Mary Isaac L.
No. 22

Claims through both parents
Wife Martha Jim Isaac (full) 36 L
Father John Walter (Sm. black-tubed) d
Mother Emily "

(Claims for self, wife & 3 children)

Children:

Lee Jim Isaac (M) 7

William " 6

Jackson " 14/2 2mo

See Miss. Choct. card filed No. 298.)

Stenographer

R. S. Street.

Choctaw MCR 4502

Silas Jimmy

MCR 4502

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Silas Jimmy, et al,
for identification as Mississippi Choc-
taws, M C R 4502.

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DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Silas Jimmy, et al.,
for identification as Mississippi Choctaws, M C R 4502.

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-----: I N D E X :-----

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Original application of Silas Jimmy, et al., for identification as Mississippi Choctaws,-----	1
Decision of the Commission identifying the above applicants,-----	9

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Department of the Interior,
Commission to the Five Civilized Tribes,
Edinburg, Mississippi, January 9, 1902.

In the matter of the application of Silas Jimmy, for the identification of himself, his wife, Bicey, and minor children, Lee and Alis, as Mississippi Choctaws.

Silas Jimmy, having been first duly sworn, upon his oath testified as follows: (Oscar Billey, Official Interpreter.)

Examination by the Commission.

- Q What is your name? A Silas Jimmy.
Q How old are you? A I am twenty-three years old.
Q How much Choctaw blood have you? A Full blood.
Q What's your post office address? A Hope, Mississippi.
Q That's where you get your mail, is it? A Yes.
Q How long have you lived in Neshoba County? A I have been living in Neshoba all my life.
Q Is your father living? A No, sir.
Q What was his name? A Tebe Jimmy.
Q Was he a full blood Choctaw? A Yes.
Q How long has he been dead? A He has been dead about eighteen years. I don't know how long.
Q Do you remember him? A Yes.
Q Did he live here in Mississippi all his life? A Yes, sir.
Q How old a man do you think he would be if he were living now? A He about sixty-five.
Q Did he have a Choctaw name? A No.
Q Do you know the name of his father? A No.
Q Or of his mother? A No.
Q Is your mother living? A Yes, sir.
Q What's her name? A Louisa Philip.
Q Is your mother a full blood Choctaw? A Yes, sir.
Q Has she always lived in Mississippi? A Yes, sir.
Q Has she a Choctaw name? A No, sir.
Q Is her father living? A No, sir.
Q Or her mother? A No.
Q Do you know the names of either one of them? A No, I don't know.
Q You don't know, then, the names of any of your ancestors, except your father and your mother? A That's all.
Q Have all of your ancestors always lived here in Mississippi? A Yes, sir.
Q And they have all been full blood Choctaws? A Yes, sir.
Q Have you been married more than once? A No, sir, just once.
Q Has your wife been married more than once? A No.
Q Were you married to your wife under a license or according to the Choctaw custom? A Choctaw custom.
Q Are you living with her now? A Yes.
Q How long have you been married? A Been married three years.
Q Do you want to make application for your wife too? A Yes, sir.
Q What is her name? A Bicey.
Q Is she a full blood Choctaw? A Yes, sir.

Silas Jimmy, et al., 2.

- Q Has she always lived in Mississippi? A Yes, sir.
- Q How old is she? A Eighteen years old.
- Q Is her father living? A No, sir.
- Q What was his name? A Isom Comby.
- Q Was he a full blood Choctaw? A Yes, sir.
- Q Did he always live in Mississippi? A Yes, sir.
- Q How long has he been dead? A He has been dead three years ago.
- Q About how old would he be if he were living now? A He would be about sixty.
- Q Did he have a Choctaw name? A No, sir.
- Q Do you know the name of Isom's father or his mother? A No, sir.
- Q Is your wife's mother living? A Yes, sir.
- Q What's her name? A Jennie.
- Q Where does she live? A Live in Leake County.
- Q Is she a full blood Choctaw? A Yes.
- Q Has she always lived here in Mississippi? A Yes, sir.
- Q About how old is Jennie? A She's about forty years old.
- Q Has she a Choctaw name? A No, sir.
- Q Do you know the name of her father? A No.
- Q Or her mother? A No, sir.
- Q Have all of your wife's ancestors been full blood Choctaws?
- A Yes, sir.
- Q Have they always lived here in Mississippi? A Yes, sir.
- Q Have you any children living? A Yes, sir.
- Q How many? A Two.
- Q What are their names and ages? A Lee.
- Q How old? A He was born on the 22nd day of May, 1899?
- Q What's the next one? A Alie.
- Q A boy? A Yes, sir.
- Q How old? A He will be one year old next April; born April 11, 1901.
- Q These children both living with you at this time? A Yes, sir.
- Q Are they both the children of yourself and Biecy Jimmy? A Yes, sir.
- Q This application then is for yourself and your wife and two children? A Yes, sir.
- Q Have any of your ancestors, or any of your wife's ancestors ever been recognized members of the Choctaw tribe of Indians? A No, sir.
- Q Did any of them ever receive any benefits as such? A No, sir.
- Q Did any of them ever live in Indian Territory? A No, sir.
- Q Is your name or your wife's name to be found upon any of the Choctaw tribal rolls in Indian Territory? A No, sir.
- Q Did you ever make application to the Choctaw tribal authorities in Indian Territory for yourself or wife, to be admitted or enrolled as members of that tribe, or did any one else ever make such an application for either of you? A No, sir.
- Q Did you, or any one for you, or your wife, or any one for her, in the year 1896, make application to this Commission for citizenship in the Choctaw Nation under the Act of Congress approved June 10, 1896? A No, sir.
- Q Have you ever made any application of any kind before to-day, or has any one else ever made such an application for you? A Yes, at Philadelphia, three years ago.
- Q You appeared there yourself on the third day of February, 1899, did you? A Yes, sir.
- Q Did you ever hear that any one else gave in your name there too?
- A No, sir.

Silas Jimmy et al., 3.

- Q Do you know Charley Jacoway? A Yes, sir.
Q Is he any relation to you? A Yes, I think he cousin.
Q Did Charley tell you that he gave in your name there at Philadelphia? A No, he never did tell me; I went there myself, though.
Q Did you ever go by the name of Frank? A Yes.
Q What is your right name, Frank, or Silas? A Well, I don't know; both I reckon; that's what white folks call me, and Choctaws call me Silas.
Q Did you ever go by the name of Frank Jacoway? A No.
Q Did you ever hear of such a man as Frank Jacoway? A No.

The records of the Commission show that on the third day of February, 1899, this applicant appeared before the Commission at Philadelphia, Mississippi, and made application for the identification of himself and his wife Bicey as Mississippi Choctaws, their names appearing upon Mississippi Choctaw Card, Field Number 329; also, upon page 79 of the Schedule which accompanied the report of March 10, 1899, of the Commission to the Five Civilized Tribes, to the Secretary of the Interior, as to the identity of Choctaw Indians residing in Mississippi, claiming rights in the Choctaw lands, in Indian Territory, under the provisions of article 14 of the treaty of Dancing Rabbit Creek, being Numbers 1169 and 1170, respectively, thereon.

The records of the Commission further show that on the 31st day of January, 1899, Charley Jacoway, a cousin of this applicant, appeared before the Commission at Philadelphia, Mississippi, and made application for the identification of Frank and Bicey Jacoway as Mississippi Choctaws, their names appearing upon Mississippi Choctaw Card, Field Number 269; also, upon page 70 of the Schedule which accompanied the report of March 10, 1899, of the Commission to the Five Civilized Tribes to the Secretary of the Interior as to the identity of Choctaw Indians, claiming rights in the Choctaw lands in Indian Territory under the provisions of article 14 of the treaty of Dancing Rabbit Creek, being Numbers 914 and 915, respectively, thereon. The testimony of the said Charley Jacoway at that time being as follows: "I have a cousin named Ike Jacoway, who is about twenty five years of age, and is a full blood Choctaw; he has no wife or children. He has a brother named Frank, who is about twenty five years old, he is married to a full blood named Bicey, 16 years old."

- Q Have you a brother named Ike? A Yes.

From the information in possession of the Commission, there can be no doubt that Silas and Bicey Jacoway, whose names appear upon Mississippi Choctaw Card, Field Number 269, and Frank and Bicey Jimmy, whose names appear upon Mississippi Choctaw Card, Field Number 329, are the same persons.

Silas Jimmy, et al., 4.

Q Is this application made for you three years ago the only application of any kind that has ever been made for you or your wife?

A That's all.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under article 14 of the treaty of Dancing Rabbit Creek? A Yes.

Q Do you understand that 14th article of the treaty of Dancing Rabbit Creek? A No, sir.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, over seventy one years ago, between the United States Government and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaws lived here in Mississippi, and along the western edge of the State of Alabama. At the time the treaty was made some of the Choctaws were unwilling to move from this country to a new country west of the Mississippi River, a part of which is now occupied by the greater portion of the Choctaw tribe of Indians, and is commonly known as the Choctaw Nation, Indian Territory, and for the benefit of those who wanted to stay here what is known as the 14th article was put in the treaty. An article is just a part or sub-division of a treaty. That 14th article provided that upon certain condition a Choctaw who preferred to stay here in Mississippi might receive land from the Government here in Mississippi. Now, we are speaking Choctaws who lived here seventy one years ago. The 14th article of that treaty is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you understand that 14th article? A Yes.

Q Did any of your ancestors, or any of your wife's ancestors ever comply or attempt to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek? A No.

Q Not that you know of? A No.

Silas Jimmy, et al., 5.

Q Did any of them ever get any benefits under that 14th article?

A No, sir.

Q Did any of them own an improvement here in the old Choctaw nation, in Mississippi and Alabama, in the year 1830, when this treaty was made? A I don't know.

Q Did any of them live here at that time? A Yes.

Q Do you know the names of any of those who were living here at that time? A No.

Q Were any of your ancestors, or any of your wife's ancestors, ever recognized members of the Choctaw tribe of Indians here seventy one years ago, when this treaty was made? A I don't know.

Q Did any of them remove from the old Choctaw nation, here in Mississippi and Alabama to the present Choctaw nation Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indian between the years 1833 and 1838? A No, sir.

Q Are you sure of that? A Yes, sir.

Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi for the Choctaws know they wanted to stay here in Mississippi and become citizens of the States? A I don't know.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A No, sir.

Q Are you sure of that? A No, sir.

Q Did any of them ever claim or receive any land here in Mississippi from the Government under the provisions of any other article of that treaty, or under the supplement to that treaty? A No.

Q Then, none of your ancestors, or your wife's ancestors, ever got any land here in Mississippi from the Government? A No, sir.

Q Did any of them ever get any money from the Government? A No, sir.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this agent failed to register and report to the Government, the names of many Choctaws who did in fact let him know they wanted to stay here and take land, and on his account, the Government, at its public land sales here in Mississippi in many instances sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under article 14 of the treaty of Dancing Rabbit Creek. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed an Act which was approved on the third day of March, 1837, providing for the appointment of a commission to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. This commission was duly appointed by the President of the United States, and the commissioners came down here to Mississippi and heard a few of these Choctaw cases, but in

Silas Jimmy, et al., 6.

the time allowed them by the Act of Congress under which they were appointed and a later Act of Congress which was approved on the 22nd day of February, 1838, they were unable to dispose of but a comparatively small number of these Choctaw cases. It therefore became necessary for Congress to make further provisions by which the remainder of these Indians might be given hearings, so another Act was passed which was approved on the 23rd day of August 1842, providing for the appointment of another commission to come down here to Mississippi and finish up this work. This second commission came down here in the forties and heard a great many more of these Choctaw cases. That commission held sessions here in Leake County in 1844, and 5 and 3.

Q Did any of your ancestors, or any of your wife's ancestors appear before either of these commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A No, sir.

Q Are you certain about that? A Yes, sir.

Q Do you know whether they did, or not; do you know whether any of your ancestors, or any of your wife's ancestors did? A No, I don't know.

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government, he should be entitled to select in the place of this land, land someplace else in Mississippi, here, or over in Alabama, down in Louisiana, or over in Arkansas, from vacant Government land, and that he should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors, or any of your wife's ancestors, ever receive any of this scrip from the Government of the United States under this Act of Congress? A I don't know.

Q Did you ever see, or hear of, any deed or patent issued to any of your ancestors or any of your wife's ancestors, covering land here in Mississippi received from the Government of the United States? A No, I don't know.

Q Never heard of such a thing? A No, sir.

Q Do you know of any old person living who would likely know whether any of your ancestors, or any of your wife's ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek? A No, sir, I don't know.

Q Don't know of any one? A No, sir.

Q Have you any witnesses here to-day? A No.

If you should find any witnesses whose testimony you desire to have taken before the Commission in support of your application, they may appear before the Commission

Silas Jimmy, et al., 7.

here at Edinburg tomorrow, or between the 15th of this month and the 15th of next month at Meridian, Mississippi, or within a reasonable time thereafter at the General office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Did you ever hear of any of your ancestors, or any of your wife's ancestors ever having lived in Indian Territory? A No, sir, I don't know.

Q You never heard of it? A No, sir.

Q Have you any brothers living? A Yes, sir.

Q How many? A Three.

Q What are their names? A Ike Jimmy, Will Jimmy, Dave Jimmy; he is my half brother. His name is Dave Philip.

Q Have you any sisters living? A Yes, sir.

Q How many? A I have got three whole sisters and one half sister.

Q What are the names of your half sisters? A Bettie John, the wife of Sidney John.

Q The next one? A Alice Bell, the wife of Silman Bell.

Q The next one? A Fabie Jim, the wife of Adam Jim.

Q What is your half sister's name? A Neesie Philip.

Q Have you any brothers or sisters dead? A Yes, sir.

Q How many? A One sister.

Q Did she leave any children? A Yes.

Q How many? A Four.

Q With whom do they at this time? A With my mother.

Q What are the names of those children? A Their father's name was Davis Hickman.

Q I want to know the names of those children - all four of them? A Cernelia.

Q Girl? A Yes.

Q The next one? A Osie Hickman.

Q The next one? A Maben Hickman and Elin Hickman.

Q What was the name of the mother of these children? A Lillie Hickman.

Q Has your wife any brothers or sisters living? A Yes.

Q Give their names? A Ben Comby, Robert Comby and Gus Comby.

Q Next one? A Almen Comby.

Q Next? A That's all the boys.

Q What are her sister's names? A Aint got but one sister.

Q What's her name? A Pearlle Comby.

Q Has your wife any brothers or sisters dead who left children? A Yes, one of her brothers left children.

Q What was the name of that brother? A Cain Comby.

Q What is the name of the children he left? A William Comby.

Q Does she go by the name of Martha King? A Yes.

Q Where does she live? A She lives near Sierra in Neshoba County.

Q Are any of your father's brothers or sisters, or any of their children living? A No, sir.

Q Are any of your mother's brothers or sisters or any of their children living? A Got two sisters.

Q What are their names? A Louise, older than me live below Carthage.

Q Who is she married to? A Dixon Willis.

Q What's the name of her other sister? A Minerva, the wife of Allen Willis.

Silas Jimmy, et al., 8.

Q Has your mother any brothers or sisters dead whole left children?

A No.

Q Are any of your wife's father's brothers or sisters, or any of their children living? A No.

Q Are any of your wife's mother's brothers or sisters, or any of their children living? A No, sir.

(This applicant has the appearance of being a full blood Indian. He speaks and understands the Choctaw language and some English, the examination having been conducted ~~in~~ partially in English and partially through a sworn Choctaw interpreter.)

R.S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 9th day of January, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. S. Streit
Subscribed and sworn to before me at Meridian, Mississippi, this 16th day of January, 1902.

L. B. Mosely
Clerk U.S. Circuit Court,
Southern District of Mississippi,

By *[Signature]*

Deputy.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----oOo-----

Cur.
In the matter of the application of Silas Jimmy, et al.,
for identification as Mississippi Choctaws, M C R 4502.

-----: D E C I S I O N :-----

It appears from the record herein that application for
identification as Mississippi Choctaws was made to this Commission
on January 9, 1902, by Silas Jimmy, for himself, his wife Bicey
Jimmy, and his two minor children, Lee and Alis Jimmy, under the
following provision of the act of Congress approved June 28, 1898,
(30 Stats., 495),:

"Said Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw
lands under article fourteen of the treaty between the United
States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, and to that end may ad-
minister oaths, examine witnesses, and perform all other acts
necessary thereto, and make report to the Secretary of the
Interior."

From the evidence submitted in support of said application
it appears that the applicants are full-blood Mississippi Choctaw
Indians.

Section forty-one of the act of Congress entitled "An Act
To ratify and confirm an agreement with the Choctaw and Chickasaw
tribes of Indians, and for other purposes", approved July 1, 1902,
(32 Stats., 641), and ratified by the Choctaw and Chickasaw Nations
September 25, 1902, provides as follows:

"The application of no person for identification as a
Mississippi Choctaw shall be received by said Commission after
six months subsequent to the date of the final ratification of
this agreement and in the disposition of such applications all
full-blood Mississippi Choctaw Indians and the descendants of
any Mississippi Choctaw Indians whether of full or mixed blood

COPY.

M C R 4502

Muskogee, Indian Territory, April 11, 1903.

Manfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered April 11, 1903, identifying Silas Jimmy, his wife Bicey Jimmy and minor children Lee Jimmy and Alis Jimmy as Mississippi Choctaw Indians under the provision of the forty-first section of the act of Congress approved July 1, 1902 (32 Stat. 641).

You are hereby advised that you will be allowed fifteen days from the date hereof, in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Silas Jimmy, his wife and children as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein.

If you fail to file such protest within the time allowed, the names of the applicants herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

Tams Bixby.

Registered.

SIGNED

Enc. 4502.

Chairman.

M.C.R. 4502

COPY:

Muskogee, Indian Territory, April 27, 1903.

Silas Jimmy,

Hope, Mississippi.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered April 11, 1903, identifying yourself, your wife, Bicey Jimmy, and two minor children, Lee Jimmy and Alia Jimmy, as Mississippi Choctaw Indians under the provisions of article 41 of the Act of Congress approved July 1, 1902, (32 Stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before October 11, 1903, you will have six months from that date, or until April 11, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

Tamr Birby
Chairman.

Registered.

Enc. 4502.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

IN RE
Identification
Application for Enrollment of
INFANT CHILD

Lee Jimmie
as a citizen of

MISSISSIPPI CHOCTAW.

Nation.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW
Approved _____ 190
Commissioner.

See Miss Choc Card Serial 329.

The within application is accepted as evidence of the birth of the within named child and is to be filed with and made a part of the original application of its parents for identification as Mississippi Choctaws, but is not to be considered as an application for its enrollment as a citizen of the Choctaw Nation.

[Signature]
Acting Chairman.

MISSISSIPPI CHOCTAW. # 329

450

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JAN 15 1902

[Signature]
ACTING CHAIRMAN.

Miss. Choct. Card filed No. 329.

BIRTH AFFIDAVIT.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for ^{Identification} Enrollment, as a citizen of the MISSISSIPPI CHOCTAW Nation,
of Lee Jimmie (Here insert name of child), born on the 22 day of May, 1899
Name of Father: Silas Jimmie, a citizen of the MISSISSIPPI CHOCTAW Nation.
Name of Mother: Ricey, a citizen of the MISSISSIPPI CHOCTAW Nation.
Post-office, Hope, Miss.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, }

State of Mississippi }
County of Leake

Ricey Jimmie, on oath state that I am 18
years of age and a citizen of Full Blood of the Choctaw Indian Nation;
that I am the lawful wife of Silas Jimmie, who is a citizen of Full Blood of the Choctaw Indian Nation, that a male child was
(male or female)
born to me on the 22 day of May, 1899; that said child has been
named Lee Jimmie, and is now living.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, }

State of Mississippi }
County of Leake

I, *Bicey Jimmie*, on oath state that I am *18*
 years of age and a citizen, *Full Blood*, of the *Choctaw Indian* Nation;
 that I am the lawful wife of *Silas Jimmie*, who is a citizen, *Full Blood*, of the *Choctaw Indian* Nation, that a *male* child was
 (male or female)
 born to me on the *22* day of *May*, 1899; that said child has been
 named *Lee Jimmie*, and is now living.

WITNESSES TO MARK

(Must be Two
 Witnesses)

Guy L. V. Emerson
Asker Billy

Bicey Jimmie
mark

Subscribed and sworn to before me this *10* day of *January*, 1902.

L. B. Moseley, Clerk
U. S. Circuit Court, So Dist of Mississippi
By Mark S.C.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, }

State of Mississippi }
County of Leake

I, *Louisa Philip*, on oath state that I
 attended on Mrs. *Bicey Jimmie*, wife of *Silas Jimmie*,
 on the *22* day of *May*, 1899; that there was born to her on
 said date a *male* child; that said child is now living and is said to have been
 (male or female.)
 named *Lee Jimmie*.

WITNESSES TO MARK:

(Must be Two
 Witnesses)

Guy L. V. Emerson
Asker Billy

Louisa Philip
mark

Subscribed and sworn to before me this *9* day of *January*, 1902.

L. B. Moseley, Clerk
U. S. Circuit Court, So Dist of Mississippi
By Mark S.C.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

IN RE
Identification
Application for Enrollment of

INFANT CHILD

Alis Jimmie
A Citizen of

MISSISSIPPI CHOCTAW. Nation.

Approved,

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW 190
Commissioner.

See Miss Cho Card Filed No 329

The within application is accepted as evidence of the birth of the within named child and is to be filed with and made a part of the original application of its parents for identification as Mississippi Choctaws, but is not to be considered as an application for its enrollment as a citizen of the Choctaw Nation.

[Signature]
Acting Chairman.

MISSISSIPPI CHOCTAW #329

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JAN 15 1902

[Signature]
ACTING CHAIRMAN.

4502

Miss. Choctaw card field No. 329.

BIRTH AFFIDAVIT.

FOR IDENTIFICATION AS

A MISSISSIPPI CHOCTAW

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for ^{Identification} ~~Identification~~, as a citizen of the MISSISSIPPI CHOCTAW Nation,
of Alie Jimmie, born on the 11 day of April, 1906
(Here insert name of child)
Name of Father: Silas Jimmie, a citizen of the MISSISSIPPI CHOCTAW Nation.
Name of Mother: Bicey, a citizen of the MISSISSIPPI CHOCTAW Nation.
Post-office, Hope, Miss.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,

^{Indian Territory}
State of Mississippi District.

County of Leake

I, Bicey Jimmie, on oath state that I am 18
years of age and a citizen, by Full Blood, of the Choctaw Indian Nation;
that I am the lawful wife of Silas Jimmie, who is a citizen by
Full Blood, of the Choctaw Indian Nation, that a male child was
(male or female)
born to me on the 11 day of April, 1906; that said child has been
named Alie Jimmie, and is now living.

Bicey Jimmie

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,

State of Mississippi }
County of Leflore

Rickey Jimmie, on oath state that I am 18 years of age and a citizen, by Full Blood, of the Choctaw Indian Nation; that I am the lawful wife of Silas Jimmie, who is a citizen, by Full Blood, of the Choctaw Indian Nation, that a male child was born to me on the 11 day of April 1901; that said child has been named Alis Jimmie, and is now living.

WITNESSES TO MARK

(Must be Two Witnesses)

Guy L. V. Emerson
Oscar Billy

Rickey ^{her} Jimmie _{mark}

Subscribed and sworn to before me this 10 day of January 1902.

L. B. Mosely, Clerk
U. S. Circuit Court, S. D. of Mississippi
By Mark S.C.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,

State of Mississippi }
County of Leflore

Louisa Philip, on oath state that I attended on Mrs. Rickey Jimmie, wife of Silas Jimmie, on the 11 day of April 1901; that there was born to her on said date a male child; that said child is now living and is said to have been named Alis Jimmie.

WITNESSES TO MARK:

(Must be Two Witnesses)

Guy L. V. Emerson
Oscar Billy

Louisa ^{her} Philip _{mark}

Subscribed and sworn to before me this 9 day of January 1902.

L. B. Mosely, Clerk
U. S. Circuit Court, S. D. of Mississippi
By Mark S.C.

1621

No. 4502

For Identification as a Mississippi Choctaw.
Edinburg, Miss.

Date JAN 9 1902

Name Silas Jimmy

Age 23 Blood full

Post Office, Hope, Miss.

Father: Jobb Jimmy d.

Mother: Louisa Philip L

Claims through both parents.
wife Bicey Jimmy (full) 18
Father Jobb Conley d.
Mother Jennie L

(Claims for self wife & 2 children)

Children:
Lee Jimmy (M) 2
Alis " (M) 9mo.

(See Miss. Choc. cards filed
Nov. 269 & 329. Nov. 1 & 2
on these cards are duplications)

Stenographer A. S. Streit.

Choctaw MCR 4503

Louisa Philip

MCR 4503

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----o-----

In the matter of the application of Louisa Philip, et
al., for identification as Mississippi
Choctaws,---M C R 4503.

--o--

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----oOo-----

In the matter of the application of Louisa Philip, et al.,
for identification as Mississippi Choctaws, M C R 4503.

---o---

----:I N D E X:----

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Decision of the Commission identifying the above applicants,-----	9

---o---

24503

Department of the Interior,
Commission to the Five Civilized Tribes,
Edinburg, Mississippi, January 9, 1902.

In the matter of the application of Louisa Philip for the identification of herself, her minor children, Dave and Nasey, and her four minor grand children, Cornelia, Ozie, Maben and Elin Hickman, as Mississippi Choctaws.

Louisa Philip, having been first duly sworn, upon her oath states as follows: (Oscar Biley, Official Interpreter.)

Examination by the Commission.

- Q What is your name? A Louisa Philip.
Q How old are you? A About sixty five.
Q How much Choctaw blood have you? A Full blood.
Q What's your post office address? A Franks, Mississippi.
Q How long have you lived in Neshoba County? A About thirty five years.
Q Where did you live before that? A Leake County.
Q Were you born over there? A Yes.
Q You lived there until you move to Neshoba thirty five years ago, did you? A Yes, sir.
Q Is your father living? A No, my father's dead.
Q Was he a full blood Choctaw? A Yes.
Q Did he always live here in Mississippi? A Yes.
Q What was his name? A Lewis.
Q Lewis what? A Lewis Weshook, my daddy.
Q Have you a Choctaw name? A No.
Q Did your father have a Choctaw name? A No.
Q How long has your father been dead? A I don't know, been dead before I knewed it; before I recollect.
Q Is your mother living? A Mother dead.
Q What was her name? A Mary.
Q Was she a full blood Choctaw? A Yes.
Q How long has she been dead? A She's been dead about thirty years.
Q Did she have a Choctaw name? A No.
Q Did she always live here in Mississippi? A Yes, sir.
Q Do you know the name of either one of her parents? A No.
Q Do you know the name of either one of your father's parents? A Yes.
Q What is your father's father's name? A Old man Weshook.
Q Did he have any other name besides Weshook? A No.
Q Do you know the name of your father's mother? A No.
Q Did you everhear that your father's father's name was Weshook-sheshomah? A Yes.
Q It was? A Yes, sir.
Q Did you ever see Weshooksheshomah? A No, sir.
Q Was your father's father a captain among the Choctaws here in an early day? A Yes, sir.
Q Where did he live? A I don't know.
Q Do you know Mary Isaac, the wife of Jim Isaac? A Yes.
Q Is she any kin to you? A Yes, my aunt.
Q Is she a full sister to your father? A Yes, sir.
Q Have all of your ancestors been full blood Choctaws? A Yes, sir.
- 1

Louisa Philip, et al., 2.

- Q And they have always lived in Mississippi, have they? A Yes, sir.
- Q Are you married? A Yes, sir.
- Q Is your husband living? A No.
- Q Have you been married more than once? A Married twice.
- Q Were both of your husband's full blood Choctaws? A Yes, sir.
- Q Have you any children living? A Yes, sir.
- Q How many? A I got eight.
- Q What are their names, the eldest first? A Bettie John, the wife of Sidney John.
- Q The next one? A Ike Jimmy.
- Q The next one? A Silas Jimmy.
- Q The next one? A Alice, the wife of Silman Bell.
- Q The next one? A Willie Jimmy.
- Q The next one? A Fable Jim, the wife of Adam Jim.
- Q The next one? A Dave Philip and Nasey Philip.
- Q Are all of these children of age? A Yes, all except Dave and Nasey.
- Q This application, then, is for yourself and two minor children, Dave and Nasey? A Yes, I have four grand children with me too for whom I want to make application.
- Q How old is Dave? A Sixteen.
- Q How old is Nasey? A Fourteen.
- Q Nasey a girl? A Yes, sir.
- Q They are both living with you, are they? A Yes, sir.
- Q What's the name of the father of these two children? A Philip.
- Q Did he have any other name? A No, sir.
- Q Any Choctaw name? A No, sir.
- Q How long has he been dead? A About eight years ago, or ten.
- Q Did he always live here in Mississippi? A Yes, sir.
- Q Was he older or younger than you? A Younger than me, I think.
- Q Is his father living? A No, sir.
- Q Or his mother? A No, sir.
- Q Do you know the names of either of them? A No, sir.
- Q What's the name of the father of the other children? A Tobe Jimmy.
- Q Was he a full blood Choctaw? A Yes.
- Q Older or younger than you? A Older than me.
- Q Did he have a Choctaw name? A No, sir.
- Q Did he always live in Mississippi? A Yes, sir.
- Q Do you know the names of either one of his parents? A I-na-ta Jimmy, was the name of his father.
- Q Is that all the name he had? A That's all I know.
- Q Do you know the name of his mother? A No.
- Q Were all of his ancestors full blood Choctaws? A Yes, sir.
- Q All lived here in Mississippi? A Yes, sir.
- Q All of your second husband's ancestors were full bloods? A Yes, sir.
- Q And always lived in Mississippi? A Yes, sir.
- Q How long has your father first husband been dead? A About eighteen years.
- Q Have you any children dead? A Got one.
- Q What was her name? A Lillie.
- Q She is the mother of these grand children for whom you want to make application? A Yes, sir.
- Q Was she the daughter of yourself and Tobe Jimmy? A Yes, sir.
- Q What are the names of these four grand children for whom you desire to make application? A Cornelia Hickman.
- Q How old is Cornelia? A Thirteen years old.

Houisa Philip, et al., 3.

Q The next one? A Ozie, eight years old.
Q Is Ozie a girl? A Yes, sir.
Q Next one? A Maben.
Q Is he a boy? A Yes.
Q How old is he? A Five years old.
Q The next one now? A Elin.
Q Girl or boy? A Girl.
Q How old is she? A Three years old.
Q Are these four grand children living with you at this time?
A Yes, sir.
Q How long have they been living with you? A Been living with me ever since the first of November one year ago.
Q November 1900? A Yes, sir.
Q And your two minor children are living with you too? A Yes, sir.
Q Now, is the father of these grand children living? A Yes, sir.
Q What's his name? A Davis Hickman.
Q Where does he live? A He lived about four miles from here.
Q Is he a full blood Choctaw? A Yes, sir.
Q Has he always lived in Mississippi? A Yes, sir.
Q About how old a man is Davis Hickman? A About forty years old.
Q Has he a Choctaw name? A No.
Q Do you know the name of his mother? A No, sir.
Q Or his father? A No, sir.
Q Has he ever been before this Commission? A No, sir; never was before the Commission, and refuses to appear before the Commission.
Q These four grand children are the children of Davis Hickman and your daughter, Lillie? A Yes, sir.
Q When did Lillie die? A Died last November a year ago.
Q These children, then, have been living with you ever since the death of their mother? A Yes, sir.
Q Has Davis married again? A No, sir.
Q This application, then, is for yourself, two minor children and four minor grand children? A Yes, sir.
Q Is your name, or the name of any one of these children to be found upon any of the Choctaw tribal rolls in Indian Territory?
A No, sir.
Q Did you ever make application to the Choctaw tribal authorities in Indian Territory to be admitted or enrolled as members of that tribe? A No, sir.
Q Did any one else ever make such an application for any of you?
A No, sir.
Q Did you, or any one for you, or did any one for any one of these children, in the year 1896, make application to the Commission to the Five Civilized Tribes, that's this Commission, for citizenship in the Choctaw Nation under the Act of Congress approved June 10, 1896? A No.
Q Has any application ever been made before to-day for you or any one of these children? A My cousin, Ike Moses, gave in my name at Philadelphia, Mississippi, in 1899.

The records of the Commission show that on the 31st day of January, 1899, Ike Moses appeared before the Commission at Philadelphia, Mississippi, and made application for the identification of this applicant and her minor children, Dave and Nasey as Mississippi Choctaws, their names appearing upon Mississippi Choctaw Card, Field Number 194;

Louisa Philip, et al., 4.

also, upon page 60 of the Schedule which accompanied the report of March 10, 1899, of the Commission to the Five Civilized Tribes to the Secretary of the Interior, as to the identity of Choctaw Indians residing in Mississippi, claiming rights in the Choctaw lands under the provisions of article 14 of the treaty of Dancing Rabbit Creek, being numbers 667, 668 and 669, respectively, thereon.

Q Is this application made to the Commission three years ago, ~~that~~ by Ike Moses, the only application of any kind that has ever been made for you or these children? A Yes, sir.

Q Has any application of any description ever been made before today for any one of your grand children for whom you now make application? A No, sir.

Q Do you appear before the Commission at this time for the purpose of making application- claiming rights in the Choctaw lands in Indian Territory for yourself, your children and grand children, under article 14 of the treaty of Dancing Rabbit Creek? A Yes, sir.

Q Do you understand that 14th article? A No.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, over seventy one years ago, between the United States Government and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of this treaty was to get these Indians to move from this country in here out west of the Mississippi River, to a new country, part of which is now occupied by the greater portion of the Choctaw tribe of Indians and is commonly known as the Choctaw Nation, Indian Territory. At the time this treaty was made, some of the Indians were unwilling to leave this country, and for the benefit of those who wanted to stay here what is known as the 14th article was put in the treaty. An article is just a part or subdivision of a treaty. That 14th article provided that upon certain conditions a Choctaw who desired to stay here in Mississippi might receive land here in Mississippi from the Government. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such children as may be under ten years of age to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reser-

Louisa Philip, et al., 5.

vation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you understand that now? A Yes.

Q Did any of your ancestors, or any of the ancestors of either of your husbands, or any of the ancestors of Davis Hickman ever comply or attempt to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek? A I don't know.

Q Did any of them ever receive any benefits under that article? A I don't know.

Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama, in the year 1830, when this treaty was made? A I don't know.

Q Were any of them recognized members of the Choctaw tribe here at that time? A I don't know.

Q Did any of them live here at that time? A I don't know.

Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi for the Choctaws know that they wanted to stay here in Mississippi and become citizens of the States and take land? A I don't know.

Q Did any of them remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation, in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A I don't know.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A I don't know.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under any other article of that treaty, than the 14th article, or under the supplement to that treaty? A I don't know.

Q Did you ever hear of any of your ancestors, or any of the ancestors of either of your husbands, or any of the ancestors of Davis Hickman, ever having gotten any land here in Mississippi from the Government? A No.

Q Or any money? A No.

Q Were any of them ever recognized members of the Choctaw tribe of Indians? A I don't know.

Q Did any of them ever receive any benefits as such? A I don't know.

Q Did any of them ever live in Indian Territory? A No.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become a citizen of the States and take land. The records of the Government show that this agent failed to register and report to the Government, the names of many Indians who did in fact let him know they wanted to stay here and become citizens of the States and take land,

Louisa Philip; et al., 6.

and on this account the Government at its public land sales here in Mississippi in many instances sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under article 14 of the treaty. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed an Act which was approved on the third day of March 1837, providing for the appointment of a commission to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. This commission was appointed by the President of the United States and the commissioners came down here to Mississippi and heard a few of these Choctaw cases, but in the time allowed them by the Act of Congress under which they were appointed and a later Act of Congress which was approved on the 22nd day of February 1838, providing for the continuance of this commission, they were unable to dispose of but a comparatively small number of these cases. It, therefore, became necessary for Congress to make further provisions by which the remainder of these Indians might be given hearings, so another Act was passed which was approved on the 23rd day of August, 1842, providing for the appointment of another commission to come down here to Mississippi and finish up this work. This commission was appointed by the President of the United States, and the commissioners came down here to Mississippi in the forties and heard a great many of these Choctaw cases. They held some sessions here in Leake County, and the Choctaws from different parts of the County would come in before them, and appear before them, and try to prove that they had done what the 14th article of the treaty said they should do.

Q Did any of your ancestors, or any of the ancestors of either of your husbands, or any of the ancestors of Davis Hickman, appear before either of these commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A I don't know.

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek; that is, that he had done everything that that 14th article said he must do, but that the Government had sold his land, he should be entitled to select in the place of this land, which the Government had sold, and on which he had improvements, land elsewhere in Mississippi, or in Alabama, or Arkansas, or Louisiana, from vacant Government land, and he should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors, any of the ancestors of either of your husbands, or any of the ancestors of Davis Hickman, ever get any of

Louisa Philip, et al., 7.

this scrip from the Government under this Act of Congress? A I don't know.

Q Did you ever see, or hear of, any deed or patent issued to any of your ancestors, or any of the ancestors of either of your husbands, or any of the ancestors of Davis Hickman, covering land here in Mississippi gotten from the Government? A No, sir.

Q Do you know of any old person living who would likely know whether any of your ancestors, or any of the ancestors of either of your husbands, or any of the ancestors of Davis Hickman, ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, sir.

Q Have you any witnesses here to-day? A No, sir.

If you should find any witnesses whose testimony you desire to have taken in support of your application, they may appear before the Commission here to-day or tomorrow, at Meridian, Mississippi between the 15th of this month, and the 15th of next month, or within a reasonable time thereafter at the General office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Special reference is here made to the testimony of Jim Isaac, heard by the Commission at Edinburg, Mississippi, this month in the matter of the application of Jim Isaac et al., for identification as Mississippi Choctaws. This applicant is a direct descendant of Captain Wesheckshehoman.

Q Have you any brothers living? A No, sir, I got two sisters.

Q What are their names? A Louisa Willis, the wife of Dixon Willis.

Q What's the other one? A Minerva Willis, the wife of Allen Willis; they both live over in Leake County.

Q Have you any brothers or sisters dead? A No.

Q Never did have but two sisters? A Not that I know of.

Q Are any of your father's brothers or sisters living? A Yes, one sister, Mary Isaac, the wife of Jim Isaac; she lives near Hope, in Neshoba County.

Q Do you remember the names of any of your father's brothers or sisters who are now dead? A No, sir.

Q Can't you think of some of Mary's brothers or sisters? A No, sir.

Q How long have they been dead? A I don't know; I can't remember how long my father has been dead, but they all told me that's his name.

Q Are any of the children of any of your father's brothers or sisters who are now dead, living? A Yes, my aunt's children.

Q Besides them, I mean. Any of your father's deceased brothers or sisters? A The living descendants of Martin Wesheck; his wife Sallie lives now at Laurel Hill.

Q Is that all? A That's all.

Q Are any of your mother's brothers or sisters or any of their children living? A No.

Q Are any of your first husband's brothers or sisters living? A No.

Q Any of the children of any of his brothers or sisters living? A No.

Q Are any of your second husband's brothers or sisters or any of their children living? A No, sir.

Q Are any of the brothers or sisters of Davis Hickman living? A No sir.

Louisa Philip, et al., 8.

Q Are any of their children living? A No, sir.
Q Are any of the brothers or sisters of your first husband's father, or any of their children living? A Yes, Charley Jacoway and Jeff are the sons of a brother of Tobe Jimmy, my first husband.
Q Are any of the brothers or sisters of Tobe Jimmy's father living? A No.
Q Are any of their descendants living? A No.
Q Are any of the brothers or sisters of Tobe Jimmy's mother living or any of their descendants living? A No, sir.
Q Are any of the brothers or sisters of Philip's father, or any of their children living? A No, sir.
Q Any of the brothers or sisters of Philip's mother, or any of their children living? A No, sir.
Q Are any of the brothers or sisters of Davis Hickman's father or mother, or any of their children living? A No, sir.

(This applicant has the appearance of being a full blood Indian. She speaks and understands the Choctaw language, and also speaks and understands English fairly well, the examination having been conducted almost entirely in English.)

R.S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 9th day of January 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. S. Streit

Subscribed and sworn to before me at Meridian, Mississippi, this 16th day of January, 1902.

L. B. Mosely
Clerk U.S. Circuit Court,
Southern District of Mississippi,

By *[Signature]*

Deputy.

1000
DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Louisa Philip, et al.,
for identification as Mississippi Choctaws, M C R 4503.

-----: D E C I S I O N :-----

It appears from the record herein that application for
identification as Mississippi Choctaws was made to this Commission
on January 9, 1902, by Louisa Philip, for herself, her two minor
children, Dave and Nasey Philip, and her four minor grandchildren,
Cornelia, Ozie, Maben and Elin Hickman, under the following pro-
vision of the act of Congress approved June 28, 1898, (30 Stats.,
495):

"Said Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw
lands under article fourteen of the treaty between the United
States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, and to that end may
administer oaths, examine witnesses, and perform all other acts
necessary thereto and make report to the Secretary of the
Interior."

From the evidence submitted in support of said application
it appears that the applicants are full-blood Mississippi Choctaw
Indians.

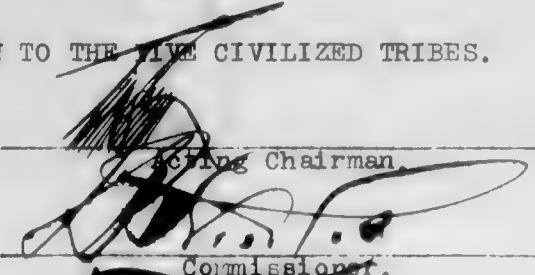
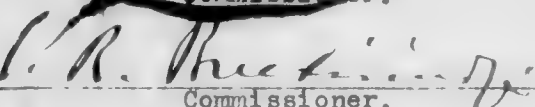
Section forty-one of the act of Congress entitled "An Act
To ratify and confirm an agreement with the Choctaw and Chickasaw
tribes of Indians, and for other purposes," approved July 1, 1902,
(32 Stats., 641), and ratified by the Choctaw and Chickasaw Nations
September 25, 1902, provides as follows:

"The application of no person for identification as a
Mississippi Choctaw shall be received by said Commission after
six months subsequent to the date of the final ratification of

this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is, therefore, the opinion of this Commission that Louisa Philip, Dave Philip, Nasey Philip, Cornelia Hickman, Ozie Hickman, Maben Hickman and Elin Hickman should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.

Commissioner.

Muskogee, Indian Territory,
FEB 14 1903

COPY

M.C.R. 4503

Muskogee, Indian Territory, February 21, 1903.

Wansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:-

Enclosed herewith you will find a copy of the decision of the Commission rendered February 14, 1903, identifying Louisa Philip, her minor children, Dave Philip and Nacey Philip, and her minor grand-children, Cornelia Hickman, Ozie Hickman, Mahen Hickman and Elin Hickman as Mississippi Choctaw Indians under the provisions of the forty-first section of the act of Congress approved July 1, 1902, (32 Stats. 641).

You are hereby advised that you will be allowed fifteen days from the date hereof, in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Louisa Philip, her children and grand children as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein.

If you fail to file such protest within the time allowed, the names of the applicants herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

(SIGNED)

James Bixby
Chairman

Registered
Enclosure G.H. 21

H.C.R. 4803.

Maskogee, Indian Territory, March 11, 1903.

Louisa Philip,
Franks, Mississippi.

Dear Madam:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 14, 1903, identifying yourself, your two minor children, Dave and Masey Philip, and your four grandchildren, Cornelia, Ozie, Maben and Elin Hickman, as Mississippi Choctaw Indians under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before August 14, 1903, you will have six months from that date, or until February 14, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

James H. Smith
Chairman.

Registered.

Enc. 4803.

#/622

No. 4503

For Identification as a Mississippi Choctaw.

Edinburg, Miss.

Date

JAN 11 1902

Name

Louisa Philip

Age

65

Blood

full

Post Office,

Franks, Miss.

Father:

Lewis - Wehock d

Mother:

Mary " d

Claims through

both parents.

(Claims for self, 2 children and 4
grandchildren)See Miss. Choct. card No. 194 as to
applicants and 2 children. No application
Children: 17, 1899. for grand children)

Dave Philip (full) 16

Nancy (full) (F) 14

Father - Philip - (full) (F) d

Cornelia Hickman (full) 13

Ozie " (F) 8

Haben " (F) 5

Elin " (F) 3

Father Davis Hickman (full) d

Mother Lillie " d

Ancestors.

Father's Father: We-shock-she-ho-mah

Stenographer

R. I. Street,

Louisa Philip et al

8003

COPY OF DECISION FORWARDED
APPLICANT

MAR 11 1903

Choctaw MCR 4504

Ed Willis

MCR 4504

.....DEPARTMENT OF THE INTERIOR.....
.....COMMISSION TO THE FIVE CIVILIZED TRIBES.....

-----o-----

In the matter of the application of Ed Willis, et al.,
for identification as Mississippi Choctaws,
M C R 4504.

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DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Ed Willis, et al.,
for identification as Mississippi Choctaws, M C R 4504.

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---: I N D E X :---

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4504

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Edinburg, Mississippi, January 9th, 1902.

In the matter of the application of Ed Willis for the identification of himself, his wife Poky and two minor children, Bill and Clyde, as Mississippi Choctaws.

Said Ed Willis, being first duly sworn, testified as follows: (Oscar Billey, official interpreter).

Examination by the Commission.

- Q What is your name? A Ed Willis.
Q How old are you? A Twenty-six years old.
Q How much Choctaw blood have you? A Full blood.
Q What is your postoffice address? A Franks.
Q Neshoba County, Mississippi? A Yes.
Q How long have you lived in Neshoba County? A Two years.
Q Where did you live before that? A In Leake County, the other side of Laurel Hill.
Q Were you born and raised there? A They says I was born in Neshoba here. I don't know where I was born.
Q If you were born in Neshoba, you went to Leake when you were a small child? A Yes.
Q You have always lived in the State of Mississippi? A Yes.
Q Is your father living? A No sir.
Q What was his name? A Willis Tom.
Q Was he a full blood Choctaw? A Yes.
Q Always lived in Mississippi? A Yes.
Q How long has he been dead? A About twenty years.
Q About how old was he when he died? A I couldn't tell you.
Q Did he have a Choctaw name? A Not as I knows of.
Q Do you know the name of his father? A Tom, I think. I don't know the other part of his name.
Q Did you ever see his father? A No.
Q Do you know the name of your father's mother? A No sir.
Q Is your mother living? A No sir.
Q What was her name? A Meely.
Q Was she a full blood Choctaw? A Yes.
Q Always lived in Mississippi? A Yes.
Q How long has she been dead? A She has been dead about eighteen or nineteen years.
Q Did she have a Choctaw name? A I don't know.
Q Do you know the name of either one of her parents? A No sir.
Q Have you any idea how old she would be if she were living now? A No sir.
Q Are you married? A Yes sir.
Q Is your wife living? A Yes sir.
Q Are you living with her at this time? A Yes.
Q Were you married to her under a license or according to the Choctaw custom? A License.
Q Where did you get your license? A Philadelphia.
Q How long have you been married to her? A Little over a year - a year ago last June.
Q Is she a full blood Choctaw? A Yes.
Q Who performed the marriage ceremony? A Preacher Scott York in Leake County.
Q A Choctaw preacher? A Yes.

Ed Willis et al---2

Q What is your wife's name? A Poky.
Q Do you want to make application for her too? A Yes.
Q How old is she? A Seventeen years old.
Q Has she always lived in Mississippi? A Yes.
Q Is her father living? A No sir.
Q What was her father's name? A Illman.
Q What other name did he have? A I don't know any other name.
Q Did you ever see him? A Yes.
Q How long has he been dead? A About seven years.
Q Was he a full blood Choctaw? A Yes.
Q Did he always live in Mississippi? A Yes.
Q Did he have a Choctaw name? A I don't know.
Q About how old a man do you think he would be if he were living now? A I couldn't tell you how old.
Q Do you know the name of his father or of his mother? A No sir.
Q Is your wife's mother living? A Yes.
Q What is her name? A Lucy Tuffama.
Q Where does she live? A In Neshoba near Franks.
Q What is her present husband's name? A Willis Tuffama.
Q About how old is Lucy? A She is about fifty years old.
Q Is she a full blood Choctaw? A Yes.
Q Has she always lived in the State of Mississippi? A Yes sir.
Q Do you know the name of her father? A No sir.
Q Or of her mother? A No.
Q Have you any children living for whom you desire to make application? A Yes, two.
Q What are their names? A Bill and Clyde.
Q How old is Bill? A Six years old.
Q How old is Clyde? A She is three years old.
Q Are these children both living with you at this time? A One of them is living with her grandmother, Clyde is.
Q What is her grandmother's name? A Caroline Tubbee.
Q Do you want to make application for this girl? A Yes, I reckon so. Her grandfather and grandmother never have appeared before the Commission and do not want to appear before the Commission, so I want to give in her name.
Q What is the name of Bill's mother? A Lucy.
Q Was she a full blood Choctaw? A Yes sir.
Q How long has she been dead? A She has been dead four years.
Q What was her father's name? A Sampson Tubbee.
Q Is her father living? A Yes.
Q Is Sampson a full blood? A Yes.
Q Do you know the name of his father? A Charlie Tubbee.
Q Do you know the name of Sampson's mother? A No sir.
Q Is Lucy's mother living? A Yes.
Q What is her name? A Caroline Tubbee.
Q Where do they live? A They live in Neshoba, near Franks.
Q Caroline is a full blood? A Yes.
Q Do you know the name of her father? A I don't know.
Q Or her mother? A I don't know.
Q What is the name of the mother of your daughter Clyde? A Bettie.
Q Was she a full blood Choctaw? A Yes.
Q Always lived in Mississippi? A Yes.
Q How long has she been dead? A She has been dead two years.
Q Is her father living? A Yes sir, she is a full sister to my first wife Lucy.

Ed Willis et al-4-3

Q Is Charlie Tubbee, the father of Sampson Tubbee, living? A Yes sir.

Q Where does he live? A In Kemper County.

Q Is he a full blood Choctaw? A Yes.

Q You have no children by your present wife? A No sir.

Q This application then is for yourself, your wife and two minor children, is that correct? A Yes sir.

Q Is your name, your wife's name or the name of this oldest child to be found upon any of the Choctaw Tribal rolls in Indian Territory? A No.

Q Did you ever make application to the Choctaw Tribal authorities in Indian Territory for yourself, your wife or this oldest child, to be admitted or enrolled as members of that Tribe or did anyone else ever make such an application for you? A No.

Q Did you or anyone for you, or your wife or anyone for her in the year 1896 make application to this Commission for citizenship in the Choctaw Nation under the act of Congress approved June 10, 1896? A No, I didn't.

Q Have you ever made any application of any kind before today for yourself, wife or either of these children? A Yes, at Philadelphia, in 1899.

The records of the Commission show that this applicant appeared before the Commission at Philadelphia, Mississippi, on the 31st day of January, 1899, and made application for the identification of himself, his wife Bettie and minor children Bill and Clyde as Mississippi Choctaws their names appearing on Mississippi Choctaw card Field No. 244, also on page 66 of the schedule of Mississippi Choctaws annexed to the report of the Commission to the Five Civilized Tribes to the Secretary of the Interior of March 10, 1899, as to the identity of Choctaw Indians claiming rights in the Choctaw lands in Indian Territory under the provisions of article 14 of the treaty of Dancing Rabbit Creek, being numbers 836, 837, 838 and 839 respectively thereon.

Q When did Bettie, your wife who was living at the time you appeared before the Commission at Philadelphia, die? A On the 27th of October 1899.

Q Did your wife's father Willis Tuffama appear before the Commission at Philadelphia on the 30th day of January, 1899, and give in the name of your wife Poky? A I don't know.

The records of the Commission show that on the 30th day of January, 1899, application was made to the Commission at Philadelphia, Mississippi, by Willis Tuffama, who appeared and made application for the identification of himself, his wife Lucy and minor children, Becky, Pucky, and Exa, as Mississippi Choctaws, their names appearing upon Mississippi Choctaw card Field No. 171, also upon page 57 of the schedule, being numbers 587, 588, 589, 590 and 591, respectively thereon.

Ed willis et al---4

- Q Are the names which I have just called the names of the members of the family of your fatherinlaw Willis Tuffama? A Yes.
- Q The next to the youngest of these children is your wife, is that right? A Yes.
- Q Is her name Poky or Pucky? A Poky.
- Q Is that application made in 1899 the only application of any kind that has ever been made for you, your wife or your two children? A Yes, that's all.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself, wife and two minor children under article 14 of the treaty of Dancing Rabbit Creek? A Yes.
- Q Do you understand that 14th article? A No.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw Tribe of Indians. At the time this treaty was made the Choctaws lived here in Mississippi and along the western edge of the State of Alabama, that is nearly all of the Tribe lived here then. The object of the treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, part of which is now occupied by the greater portion of the Choctaw Tribe of Indians and is known as the Choctaw Nation Indian Territory. At the time the treaty was made some of these Indians were unwilling to leave this country and for the benefit of those who wanted to stay here what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who preferred to stay here in Mississippi and not go to the new country, might receive land here in Mississippi from the Government. It is as follows:-

"Each Choctaw head of a family, being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section for such child as may be under ten years of age, to adjoin the location of the parent: If they reside upon said lands, intending to become citizens of the States, for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservations shall include the present improvement of the head of the family or a portion of it. Persons claiming under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you understand that 14th article now? A Yes.

Ed Willis et al---3

Q Did any of your ancestors or any of the ancestors of anyone of your wives ever comply or attempt to comply with the provisions of this 14th article? A I don't know.

Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama 71 years ago, when this treaty was made? A I don't know.

Q Were any of them recognized members of the Choctaw Tribe of Indians here at that time? A I don't know.

Q Did any of them live here at that time? A I couldn't tell you.

Q Did any of them remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A I don't know.

Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here in Mississippi and become citizens of the States and take land? A I don't know about that.

Q Q Did any of them ever claim or receive any land here in Mississippi from the Government under article 14 of the treaty? A I don't know.

Q Or under any other article of the treaty or under the supplement to that treaty? A I don't know.

Q Did you ever hear of any of them ever having gotten any land from the Government, here in Mississippi? A No.

Q Or any money from the Government? A No.

Q Were any of them ever recognized members of the Choctaw Tribe of Indians? A I don't know.

Q Did any of them ever receive any benefits whatever as such? A I don't know.

Q Did any of them ever live in Indian Territory? A I don't know whether they did or not.

trea

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens and take land under that article. The records of the Government show that this Agent failed to register and report to the Government the names of many Indians who did in fact let him know that they wanted to stay here and become citizens, and, on this account, the Government at its Public land sales here in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under article 14 of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed an act which was approved the 3rd day of March, 1837, providing for the appointment of a Commission to come down here to Mississippi and hear the cases of Choctaws who claimed that they had done everything that the 14th article required them to do but that their land had been sold by the Government. This Commission was duly appointed by the President of the United States and the Commissioners came down here and heard a few of these cases but in the time allowed them by the act of Congress under which they were appointed and a later act

Ed Willis et al---6

of Congress which was approved on the 22nd day of February, 1838, providing for the continuance of this Commission, they were unable to dispose of but a comparatively small number of cases. It therefore became necessary for Congress to make further provision whereby the remainder of these Indians might be given hearings; so another act was passed which was approved the 23rd day of August, 1842, providing for the appointment of another Commission to come down here and finish up the hearing of these cases. This Commission was duly appointed by the President of the United States and the Commissioners came down here to Mississippi in the forties and heard a great many of these Choctaw cases. Some of their sessions were held in Leake County 59 or 60 years ago.

Q Did any of your ancestors or any of the ancestors of either of your wives ever appear before either of these Commissions and attempt to establish their rights under article 14 of the Treaty of Dancing Rabbit Creek? A I don't know.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in place of that land, land elsewhere in Mississippi, or in Alabama, Louisiana or Arkansas, from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors or any of the ancestors of either of your wives ever receive any of this scrip from the Government of the United States under this act of Congress? A Not that I know of.

Q Did you ever see or hear of any deed or patent issued to any of your ancestors or any of the ancestors of any of your wives covering land here in Mississippi received from the Government? A Never heard or saw one.

Q Do you know of any old person living who would likely know whether any of your ancestors or any of the ancestors of any one of your wives ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A I don't know of anyone.

Q Have you any witnesses here today? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before the Commission at this place tomorrow, or at Meridian, Mississippi, between January 15th and February 15th or within a reasonable time thereafter at the general office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Ed Willis et al--7

Q Have you any brothers or sisters living? A I have got one sister living.

Q What is her name? A Isabella.

Q Is she married? A Yes.

Q What is her husband's name? A Summer s Jacoway.

Q Is she a full sister of yours? A Yes sir.

Q Have you any brothers or sisters dead? A I have two sisters dead.

Q Did they leave children, either of them? A No sir.

Q Are any of your father's brothers or sisters or any of their children living? A I don't know.

Q Are any of your mother's brothers or sisters or any of their children living? A I don't know.

Q Are any of the brothers of your first wife living? A Yes sir.

Q How many? A Two.

Q What are their names? A Will Tubbe and Dick Tubbe.

Q Do they live in Neshoba County here? A Yes sir.

Q Has she any brothers dead? A Yes, Wait Tubbee.

Q Did he leave any children? A Yes.

Q How many? A Two.

Q What are their names? A I can't think of their names.

Q Is Nancy Wait his wife? A Yes.

Q She is the daughter of Jim Isaac? A Yes.

Q Are any of your first wife's sisters living? A Yes sir.

Q How many? A Two.

Q What are their names? A Mat and Lina.

Q Is Mat married? A Yes, she is the wife of Oscar Sam.

Q Who is Lina married to? A Hickman Thomas.

Q Where do they live? A In Neshoba, near Philadelphia.

Q Has she any sisters dead? A Yes sir, one dead.

Q What is her name? A Bettie.

Q Bettie was your second wife? A Yes.

Q Are any of your first wife's father's brothers or sisters living?

A Yes, one brother.

Q What is his name? A Tom Tubbee.

Q Does he live at Philadelphia? A Yes.

Q Has he any brothers or sisters dead? A One brother dead.

Q What was his name? A Wesley Tubbee.

Q Did Wesley leave any children? A Yes sir.

Q Are they living now? A Yes sir.

Q How many? A Two.

Q What are their names? A Sim Tubbee.

Q Where does he live? A Lives up about Center.

Q Next one? A Margaret Adam, the wife of John Adam, lives up near Fish.

Q Has Sampson Tubbee any sisters dead? A Not as I know of.

Q Has Caroline any brothers or sisters living? A I know one brother.

Q What is his name? A Scott Bell.

Q Where does he live? A Near Plattsburg.

Q Has she any brothers or sisters dead? A I don't know, sir.

Q Has your present wife any brothers living? A No sir.

Q Has she any sisters living? A Yes sir.

Q How many? A Two.

Q What are their names? A Becky, the wife of Will Tubbee.

Q What is the name of the other one? A Exa.

Q Is she married? A No.

Ed Willis et al--8

Q Who does she live with? A Her mother.

Q Has your wife any brothers or sisters dead? A Not as I know of.

Q Are any of your wife's father's brothers or sisters or any of their children living? A I don't know.

Q Are any of your wife's mother's brothers or sisters or any of their children living? A I don't know about that.

This applicant has the appearance of being a full blood Indian-speaks and understands the Choctaw language and also speaks and understands English fairly well, the examination having been conducted chiefly in English.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Edinburg, Mississippi, January 9th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 14th day of January, 1902, at Meridian, Mississippi.

L. B. Massey

Clerk U.S. Circuit Court, Southern
District of Mississippi.

By *[Signature]* Deputy.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----oOo-----

C. W.
In the matter of the application of Ed Willis, et al.,
for identification as Mississippi Choctaws, M.C.R. 4504.

-----: D E C I S I O N :-----

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission on January 9, 1902, by Ed Willis, for himself, his wife, Poky Willis, and his two minor children, Bill and Clyde Willis, under the following provision of the act of Congress approved June 28, 1898, (30 Stats., 495)1

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

From the evidence submitted in support of said application it appears that all the applicants are full-blood Mississippi Choctaw Indians.



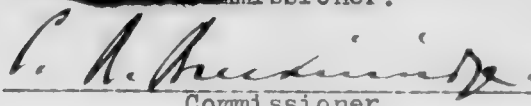
Section forty-one of the act of Congress entitled "An Act To ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes," approved July 1, 1902, (32 Stats., 641), and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of

any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is, therefore, the opinion of this Commission that Ed Willis, Poky Willis, Bill Willis and Clyde Willis should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.

Commissioner.

C. A. Brundage.
Commissioner.

Muskogee, Indian Territory,

FEB 14 1903

copy.

M.C.R. 4504.

Muskogee, Indian Territory, February 21, 1903.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered February 14, 1903, identifying Ed. Willis, his wife Pety Willis, and minor children Bill Willis and Clyde Willis as Mississippi Choctaw Indians under the provisions of the forty-first section of the act of Congress approved July 1, 1902, (32 Stats., 841).

You are hereby advised that you will be allowed fifteen days from the date hereof, in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Ed. Willis, his wife and children as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein.

If you fail to file such protest within the time allowed, the names of the applicants herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

(Signature)

Registered.

Enc. W.C.R. 5.

(Signature)
Acting Chairman.

COPY.

M.C.R. 4504

Muskogee, Indian Territory, March 11, 1903.

Ed Willis,

Franks, Mississippi.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 14, 1903, identifying yourself, your wife, Pety Willis, and your minor children, Bill and Clyde Willis, as Mississippi Choctaw Indians under the provisions of section 41 of the act of Congress approved July 1, 1902 (32 Stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before August 14, 1903, you will have six months from that date or until February 14, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

Tamr Bixby.

(SIGNED)

Chairman.

Registered.

Enc. 4504.

M C R 4504

Muskogee, Indian Territory, March 14, 1903.

Ed Willis,

Franks, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 23rd ultimo, in which you ask to be advised relative to the removal of the full blood Choctaws living in Mississippi to the Choctaw Nation, Indian Territory. You ask if they will be allotted land and if the contracts made by them are "just all right or just all wrong."

In reply to your letter you are informed that the Commission, on February 14, 1903, rendered its decision identifying you, your wife Pekey, and your minor child Clyde Willis as Mississippi Choctaws entitled to allotment in the lands of the Choctaw-Chickasaw country, Indian Territory, and on March 11, 1903, you were notified by registered mail of the action of the Commission and a copy of the decision forwarded you.

You are further informed that you will be required to remove to and make bona fide settlement in the Choctaw-Chickasaw country before August 14, 1903, and that you will have six months from that date, or until February 14, 1904, within which to make proof of such removal and settlement at the office of the Commis-

E W 2

sion at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation,
Indian Territory.

Relative to contracts made by duly identified Mississippi
Choctaws which in any way encumbers their prospective allotments,
your attention is invited to the following provision of the act of
Congress approved May 31, 1900:

"Provided further, That all contracts or agreements look-
ing to the sale or incumbrance in any way of the lands to be al-
lotted to said Mississippi Choctaws shall be null and void."

Respectfully,

Chairman.

W.O. 4504.

Muskogee, Indian Territory, April 2, 1903.

Ed Willis,

Franks, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 27th ultimo, inquiring relative to the means provided for the removal of identified Mississippi Choctaws from the State of Mississippi to the Indian Territory; and the time within which such persons must remove to the Choctaw and Chickasaw Nations in order to receive the benefits of their identification.

On February 14, 1903, the Commission rendered a decision identifying you, your wife and your two minor children, as Mississippi Choctaw Indians entitled to select lands in allotment of the lands of the Choctaw and Chickasaw Nations. Of this action you were advised by registered mail March 11, 1903.

Under the provisions of the act of Congress approved July 1, 1902 (32 Stats., 541), you and your family who have been identified by the Commission will have until August 14, 1903, within which to remove to and make settlement within the Choctaw-

E W 2

Chickasaw country, Indian Territory. On proof of such settlement made before the Commission to the Five Civilized Tribes at either of its land offices at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, prior to February 14, 1904, you and your family will be enrolled as Mississippi Choctaws entitled to allotment; and be permitted to select land equal in value to three hundred and twenty acres of the average allotable land of the Choctaw and Chickasaw Nations for each member of your family.

In event that you do not remove within the six months from the date of your identification, under existing legislation such rights as were guaranteed you by the decision of February 14, 1903, will have expired by limitation.

Relative to the removal of yourself and family to Indian Territory, you are informed that the Commission is not provided with means for the transportation of identified Mississippi Choctaws from the State of Mississippi to the Indian Territory.

Your attention, however, is invited to the following provision of the act of Congress approved March 3, 1903 (Public No. 144):

"That the sum of twenty thousand dollars, or so much thereof as is necessary, is hereby appropriated, to be immediately available, for the purpose of aiding indigent and identified full blood Mississippi Choctaws to remove to the Indian Territory, to be expended at the discretion and under the direction of the Secretary of the Interior."

EV 3

The Commission has not been advised by the Secretary of the Interior of the means provided for the distribution of the money appropriated by the above referred to act of Congress.

Respectfully,

Commissioner in Charge.

M C R 4504

Muskogee, Indian Territory, April 30, 1903.

Ed Willis,

Pranks, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 22nd instant, in which you ask to be advised relative to contracts made with Mississippi Choctaws for their removal to the Indian Territory.

In reply you are informed that the Commission cannot give you any further information than contained in its letter to you on March 14, 1903.

Respectfully,

Chairman.

M C R 4504

Muskogee, Indian Territory, July 27, 1903.

Edman Willis,
Franks, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 20th instant, in which you ask how you can get money to remove to the Indian Territory.

In reply you are informed that H. Van V. Smith, Special Disbursing Agent of the Commission to the Five Civilized Tribes, is now located at the Southern Hotel, Meridian, Mississippi, for the purpose of assisting indigent identified Mississippi Choctaws in removing to Indian Territory. You are advised to communicate with him at once in regard to this matter.

Respectfully,

Commissioner in Charge.

1623

No. 4504

For Identification as a Mississippi Choctaw.

Edinburg, Miss

Date JAN 1 1902

Name Ed Willis

Age 26 Blood full

Post Office, Franks, Miss.

Father: Willis Tom d

Mother: Weeley " d

Claims through both parents.
wife Pocky Willis (full) 17 d

Father Tillman - d

Mother Lucy Tuffama L

(Claims for self, wife and children)
(The Miss. Choct. and Chickasaw Eds.
Bill & Clyde. 1901/12 in Pocky, where
her name appears as Pocky Tuffama)

Children: Bill Willis 6

Mother Lucy d

Father Sampson Tubbee L

Mother Caroline L

Father of Sampson Tubbee Charley Tubbee L

Clyde Willis 3

Mother Bettie d

(Full sister of 1st wife Lucy.)

Stenographer

L. Viles

Ed. Willis, et al.

R. 1504

COPY OF DECISION FORWARDED
APPLICANT

MAR 11 1903

Choctaw MCR 4505

James T. Jones

See MCR 3878

MCR 4505

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, INDIAN TERRITORY, JANUARY 14, 1902.

#4505.

-----oOo-----

In the matter of the application of James T. Jones
for the identification of himself and his five minor children,
Marvin Sanford, Leta, Totsy, Tiny and Esther Louise Jones, as Miss-
issippi Choctaws.

Applicant represented by John London, attorney.

James T. Jones, being first duly sworn, on his oath
testifies as follows:

Examination by the Commission:

- Q What is your name? A James T. Jones.
Q What is your age? A Thirty-six years old.
Q How much Choctaw blood do you claim? A I believe I claim one-
sixteenth.
Q What is your post office address? A Greenville.
Q Where? A Hunt County, Texas.
Q How long have you lived in Texas? A All my life.
Q Born and raised there? A Born and raised in Red River County.
Q Is your father living? A Yes sir.
Q What is his name? A Hardin I. Jones.
Q How do you spell that? A H-a-r-d-i-n.
Q How old is he? A About seventy years old. I don't know his
exact age.
Q Is your mother living? A No sir.
Q What was her name? A Adelaide Jones.
Q How old would your mother be if she was living now? A She
would be about sixty-three.
Q Through which one of your parents do you claim your Choctaw
blood? A My mother.
Q Where was your mother born? A She's born in Red River County,
Texas.
Q Did she ever live anywhere else except the state of Texas?
A No sir.
Q Are you married? A Yes sir.
Q Is your wife living? A Yes sir.
Q What is her name? A Tullia L. Jones.
Q Is there two ls in it? A Yes sir, two.
Q Is your wife a white woman? A Yes sir.
Q Makes no claim for Choctaw blood? A No sir.
Q You make no claim for her? A No sir, none for her; just for
the children.
Q Have you any children for whom you desire to make application
for at this time? A Yes sir.

James T. Jones--2.

- Q Give their names and ages please, commencing with the oldest?
A Marvin Sanford a boy fourteen years old; Leta, girl, twelve years old; Totsy, girl, ten years old; Tiny, girl, eight years old; Esther Louise, girl, sixteen months old; that's five.
Q You are the father of all the children? A Yes sir.
Q Tullia L. Jones their mother? A Yes sir.
Q They are living with you are they? A Yes sir.
Q When and where were you and your wife married? A Married in Hunt County on the 21st of March, 1886.
Q Have you your marriage license and certificate with you?
A No sir.

It will be necessary for you to file with the Commission the original marriage license and certificate or a certified copy of the same, in support of the application you make for yourself and your minor children.

- Q Was your mother ever recognized in any manner or enrolled by the Choctaw tribal authorities in Indian Territory, as a Choctaw Indian? A No sir.
Q Was she ever recognized in any manner as such by the United States authorities? A No sir.
Q Is your name or the name of any of your children to be found on any of the tribal rolls of the Choctaw Nation, Indian Territory?
A No sir.
Q This application you are making now is for yourself and your five minor children is it? A Yes sir.
Q Did you ever make application to the Choctaw tribal authorities in the Indian Territory, for yourself or your minor children, to be enrolled as members of that tribe? A No sir.
Q Did you or anyone for you in the year 1896, make application to the Commission to the Five Civilized Tribes to be admitted to citizenship in the Choctaw Nation, under the Act of Congress approved June 10, 1896? A No sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court for Indian Territory?
A No sir.
Q Have you ever made application prior to this time for yourself ~~or for your minor children~~ to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as a citizen of the Choctaw Nation? A No sir.
Q Do you appear before this Commission at this time claiming rights in the Choctaw lands, Indian Territory, under the provisions of the fourteenth article of the treaty between the United States government and the Choctaw tribe of Indians, concluded September 27th, 1830? A Yes sir.

This treaty was concluded on the 27th of September, 1830, at a place called Dancing Rabbit Creek in Mississippi, between the United States government and the Choctaw tribe of Indians who at that time occupied a portion of the state of Mississippi and a small portion of the state of Alabama along the western boundary line. The object of the treaty was to secure the removal of all of the Choctaws from the country they then occupied to the new country west of the Mississippi

James T. Jones--3.

river. At the time the treaty was made some of the Choctaws didn't want to remove to this new country but wanted to remain in the old Choctaw Nation. For the benefit of this class of Indians article fourteen was made a part of the treaty. That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

That fourteenth article required that in case a Choctaw elected to remain in the old Choctaw Nation and receive lands under its provisions, he should, within six months from the time the treaty was ratified--the treaty being ratified on the 24th day of February, 1831--signify to the Agent there his intention to so remain and to take lands under this article. After doing that he would then be entitled to a reservation, as head of a family, to one section of six hundred and forty acres of land to be bounded by sectional lines of survey; and for each child in his family unmarried and over the age of ten years he would be entitled to a half section of land, or three hundred and twenty acres; and for each child in his family under ten years of age he was entitled to a quarter section, or one hundred and sixty acres; the reservation of the children to adjoin the reservation of the parent, and these reservations to include any improvement owned by the head of the family at the time the treaty was made; 27th of September, 1830. This article also required that after a Choctaw had received his lands from the government under the provisions of this article that he should reside upon these lands for five years, after which time the government would give him a title in fee simple which would enable him to dispose of the lands at his pleasure. The last clause of the article is as follows:

"Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

James T. Jones--4.

That means that a Choctaw who remained in the old Choctaw Nation and complied with the provisions of this article by accepting lands as a beneficiary under it and residing upon these lands for a term of five years, did not forfeit his right of citizenship in the new Choctaw Nation, Indian Territory, but did forfeit any right to claim any portion of the annuity payments. Annuities was money being paid to the Choctaw tribe of Indians annually by the United States government under treaty provisions.

- Q Do you think you understand that article as read and explained?
A Yes sir, I think so.
- Q What was the name of your Choctaw ancestor who resided in the old Choctaw Nation in Mississippi and Alabama at the time this treaty was made--27th of September, 1830? A Rachel Shelton.
- Q You claim your Choctaw blood from your mother; now who did your mother get her Choctaw blood from? A From her mother.
- Q What was her name? A Eliza Shelton was her maiden name; she married Forbes; she was married twice; she first married Forbes, and then married a Henderson.
- Q Now who did Eliza Forbes or Eliza Henderson get her Choctaw blood from? A From her mother.
- Q What was her mother's name? A Her mother's name was Rachel Shelton.
- Q How much Choctaw blood did Rachel Shelton possess? A I understand she had about one-half; probably three quarters.
- Q You have testified that your mother was sixty-three years of age? A About; I am not sure.
- Q Did she have any brothers or sisters older than she?
A No sir, she was the oldest child.
- Q Was Eliza Shelton married to your grandfather Forbes and the head of a family in 1830? A I am not sure.
- Q Now which one of your Choctaw ancestors was married and the head of a family in 1830? A Rachel Shelton.
- Q How about your other ancestors? Was any others married and the head of a family in 1830? A Just a minute and I can tell whether my grandmother-----I don't think that my grandmother was married in 1830. My mother was seventeen when she was married. She's the oldest child and married in 1858; and I therefore don't think that my grandfather and grandmother were married and the head of a family in 1830.
- Q Were your Choctaw ancestors recognized members of the Choctaw tribe of Indians in 1830, at the time this treaty was made?
A I don't know; I understand that Rachel Shelton was.
- Q Recognized by the Choctaw tribal authorities? Lived amongst Choctaw Indians in accordance with all Choctaw customs?
A That's family tradition; I don't know.
- Q Did Rachel Shelton ever comply or attempt to comply with the provisions of this article fourteen? A I don't know of my own knowledge.
- Q Well, do you know of the existence of any evidence of any kind that would tend to show that she did comply? A Records of the Interior Department show that she did.

James T. Jones--5.

By attorney London:

We want time in which to introduce record and introduce further testimony in this case.

By the Commission:

What records of the Interior Department do you refer to?

By attorney London:

We understand that scrip was issued to them.

By Commission to applicant:

Q Did any of your Choctaw ancestors own an improvement upon what constituted the old Choctaw Nation in Mississippi and Alabama at the time this treaty was made? A Don't know.

Q Did any of your Choctaw ancestors move from the old Choctaw Nation in Mississippi and Alabama to the new Choctaw Nation, Indian Territory, between the years 1833 and 1838, at the time of the removal of the main portion of the Choctaw Indians?

A I understand not.

Q Did any of your Choctaw ancestors within six months from the ratification of this treaty, that is, within six months from the 24th day of February, 1831, go before the government Agent there in Mississippi and tell him they wanted to stay there and take lands under this article? A I only know from hearsay.

Q What did you hear? A I understand that Rachel Shelton did.

Q Do you know of any proof of any kind that would substantiate that statement? A Not except the rolls of the scrip.

By attorney London:

Well we will be able to bring witnesses in person before the Commission that will be able to show that she complied with that.

By Commission to applicant:

Q Did any of your Choctaw ancestors ever claim or receive any lands from the United States government as Choctaw Indians under the provisions of this fourteenth article? A I don't know.

In accordance with the provisions of this fourteenth article the government directed an Agent in Mississippi to register the names of those Choctaws who desired to remain in the old Nation and become citizens of the states and who desired to take lands under the provisions of this article. The records of the government show that this Agent failed to register the names of a great many Choctaws who appeared before him and signified their intention of remaining and taking lands, and on this account, in many instances, lands on which Choctaws owned improvements and which they desired to reserve

James T. Jones--6.

for them under this article, was sold by the government at its public land sales and the Indians were dispossessed of their lands. This caused a great many complaints on the part of the Choctaws and these complaints finally reached Congress and Congress, under various Acts, appointed Commissions to go into the state of Mississippi and investigate these claims. These Commissioners investigated a large number of claims, allowing some and rejecting others. Of the claims allowed, if the lands had not been sold, the Indians were given them. If, however, the lands on which the Indians had improvements had been sold and they established before these Commissions claims to those lands under this article, they were given certificates or scrip in lieu of the lands that had been sold, and under this scrip they could locate on vacant government lands in the states of Mississippi, Alabama, Arkansas and Louisiana.

- Q Now did any of your Choctaw ancestors appear before any of these Commissions and attempt to establish their claims to lands under this fourteenth article? A That is as I answered then---I understand that they did.
- Q Did any of your Choctaw ancestors who appeared before any of these Commissions--did they get scrip in lieu of the lands which had been sold? A I understand that Rachel Shelton got scrip.
- Q Do you know what use was made of this scrip? A I understand from uncle Eli Shelton that she transferred or sold it to a brother.
- Q Did she herself ever locate on any vacant government lands by virtue of having received scrip from the United States government in either of the states of Mississippi, Alabama, Louisiana or Arkansas? A I don't know sir.
- Q Did she ever own any lands in either one of these states? A I don't know sir.
- Q Your uncle Eli Shelton is an applicant before this Commission for identification as a Mississippi Choctaw is he not? A Yes sir, he came before the Board at Atoka; he is a son of Rachel Shelton.
- Q You say that your uncle Eli Shelton told you that Rachel Shelton received scrip; did he testify to that fact in his application? A I don't know sir, whether he did or not.

Attorney here states that he is willing to say that Eli Shelton did not testify to that fact.

By the Commission to applicant:

- Q This uncle of yours, Eli Shelton, didn't tell you positively that he of his own knowledge knew of these scrip transactions? A No sir, he didn't say that he knew.
- Q So far as you know were any of your Choctaw ancestors members of the Choctaw tribe of Indians? A No sir.
- Q So far as you know did any of your Choctaw ancestors ever receive any lands from the United States government as Choctaw Indians? A No sir, not to my own knowledge.

James T. Jones--7.

- Q Have you any written evidence that you desire to offer at this time in support of your case? A Not at this time.
- Q Have you any witnesses that you desire to introduce to-day in support of your case? A No sir.
- Q Do you know of the existence of any documentary evidence, papers of any kind, deeds to lands, patents to lands, that would tend to show any act of compliance on the part of your ancestors with the provisions of the fourteenth article of the treaty of 1830? A No sir, I don't know.

Here attorney asks for further time in which to introduce documentary evidence and witnesses.

By the Commission to attorney:

- Q Have you any idea what length of time you want? A I am going to Mississippi on the 20th for the purpose of getting proof in this case.

Reasonable time will be granted for the introduction of proper testimony in this case.

By the Commission to applicant:

- Q Have you any relatives who have made application to this Commission for identification as Mississippi Choctaws? A Yes sir.
- Q Give the names of some of them? A Eliza Shelton, (M.C.R. 3884), Jesse Shelton, (M.C.R. 3883), Cera T. Porter (M.C.R. 3894) and Maggie M. Coleman (M.C.R. 3878).
- Q The parties whose names you have given are blood relatives of yours are they? A Yes sir.
- Q They derive Choctaw blood from the same source you do? A Yes sir.
- Q You desire the evidence in their case to be considered with the evidence in your case? A Yes sir.

This applicant has brown hair, gray eyes, features and appearance of a person of white parentage, doesn't speak or understand the Choctaw language and has no knowledge of the compliance on the part of any of his ancestors with any of the provisions of the fourteenth article of the treaty of 1830.

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 14th day of January, 1902, and that the foregoing is a full, true and correct transcript of his stenographic notes of said cause taken on said date.

Subscribed and sworn to before me this 18th day of January, 1902.


Notary Public.

COPY.

COMMISSIONERS

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AVLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 4505.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 23, 1903.

James T. Jones,
Greenville, Texas.

You are hereby advised that on the 23rd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Maggie M. Coleman, et al., embracing the following applications for identification as Mississippi Choctaws:

Maggie M. Coleman, et al.,	M C R 3878
Fannie E. Cook, et al.,	M C R 2925
Laura Brackeen, et al.,	M C R 2926
Willet Shannon, et al.,	M C R 2927
Malinda Malaney, et al.,	M C R 2973
Susan J. Perkins, et al.,	M C R 3329
James T. Perkins, et al.,	M C R 3330
Nannie A. Cross Bledsoe, et al.,	M C R 3331
Sallie Homer Morgan, et al.,	M C R 3332
Sallie Stanley, et al.,	M C R 3348
Mattie Miranda Justiss, et al.,	M C R 3349
William Shelby Perkins, et al.,	M C R 3350
Duain Sheb Cross, et al.,	M C R 3351
Eddie B. Cross,	M C R 3352
Susan Francis McGlasson, et al.,	M C R 3353
Nannie F. Gambill, et al.,	M C R 3354
Nellie W. Cross,	M C R 3355
Joel A. Shannon, et al.,	M C R 3356
Laura J. Duncan, et al.,	M C R 3549
Rosie E. Stanley, et al.,	M C R 3550
Minnie A. Adshire, et al.,	M C R 3551
Nannie F. Akers, et al.,	M C R 3552
Alice Akers, et al.,	M C R 3553
Bessie Milford, et al.,	M C R 3554
Mary L. Crook, et al.,	M C R 3869
Lillian Bedford, et al.,	M C R 3870
Roberta I. Coleman, et al.,	M C R 3871
Jessie Crook Smith, et al.,	M C R 3872
John W. Crook, et al.,	M C R 3873
Charles O. Crook, et al.,	M C R 3874
Walter J. Crook, et al.,	M C R 3875
Stella W. Schultze,	M C R 3876
Marvin B. Crook,	M C R 3877
Texanna Jones,	M C R 3879
Fannie Long,	M C R 3880
Thomas J. R. Yates, et al.,	M C R 3881
Alice I. Compton,	M C R 3882

Jesse R. Shelton, et al.,	M C R 3883
Eli J Shelton,	M C R 3884
Ethel Pearl Shelton,	M C R 3885
Irene Thomas, et al.,	M C R 3886
Florence Carson,	M C R 3887
Lola A. Haraway, et al.,	M C R 3888
Ada A. Shelton, et al.,	M C R 3889
Idella Garland, et al.,	M C R 3890
Maud M. Shipe,	M C R 3891
James M. Yates,	M C R 3892
Victor L. McGlasson, et al.,	M C R 3893
Cora Therese Porter,	M C R 3894
Cora Estelle Lindsay, et al.,	M C R 3895
Georgia B. Porter,	M C R 3896
Johnnie G. Berry et al.,	M C R 3897
Marie F. Kidd, et al.,	M C R 3898
Clarence Greenwood Hilburn,	M C R 3899
Willetta M. Murphy, et al.,	M C R 3900
Emma G. Stafford, et al.,	M C R 3901
Melville Yates, et al.,	M C R 3902
Walter A. Jones, et al.,	M C R 3903
Verner D. Jones,	M C R 3904
Arthur L. Jones, et al.,	M C R 3905
Herbert I. Jones,	M C R 3906
Gus B. Shelton,	M C R 3907
Jack R. Garland, et al.,	M C R 3908
Nannie L. Garland,	M C R 3912
Joella G. Garland,	M C R 3913
Leda M. Garland,	M C R 3914
Mary Gertrude Grant,	M C R 3915
Lucinda A. Johnson, et al.,	M C R 3916
Joseph R. Johnson,	M C R 3917
Wirtter R. Garland, et al.,	M C R 3922
Lamartine R. Latimer, et al.,	M C R 3923
Homer Murphy, et al.,	M C R 3924
John W Murphy, et al.,	M C R 3925
Jennie B. Tucker, et al.,	M C R 3926
James M. Yates, jr., et al.,	M C R 3927
Napoleon S. Young, et al.,	M C R 3928
Robert S. Hilburn, et al.,	M C R 3929
William N. Yates, et al.,	M C R 3930
Thomas M. Murphy,	M C R 3964
Thomas, S. Young, et al.,	M C R 3971
William C. Hilburn,	M C R 3972
Robert Clarence Montgomery,	M C R 3973
Henry R. Latimer, et al.,	M C R 3974
Fannie Montgomery, et al.,	M C R 3975
Harvey O. Jones,	M C R 3976
Eugene S. Wood,	M C R 3977
Porter A. Bywaters,	M C R 3978
Malcolm W. Forbes,	M C R 3979
Napoleon W. Young, et al.,	M C R 3980
May R. Rush, et al.,	M C R 3981
Lena C. Strickland, et al.,	M C R 3982
R. Shelton Bywaters,	M C R 3983
Frank E. Wood,	M C R 3984
Alice P. Bywaters, et al.,	M C R 3985

Wilsie J. Wood,	M C R 3986
Fred F. Hilburn,	M C R 4035
Albert H. Latimer, et al.,	M C R 4102
Fletcher L. Grant,	M C R 4103
Weck P. Latimer, et al.,	M C R 4104
Maude Montgomery,	M C R 4106
Ola Glyn, et al.,	M C R 4151
James T. Jones, et al.,	M C R 4505
Hardin Ida Timmins, et al.,	M C R 4506

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Maggie M. Coleman, Eva Coleman, Ruth A. Coleman, Gertrude Coleman, Davie A. Coleman, Maggie I. Coleman, Elizabeth V. Coleman, Jessie M. Coleman, Shelton Coleman, Fannie E. Cook, Jim David Shannon, Jeff R. Shannon, Claude Martin, Laura Brackeen, Wesley Collom, Etta Collom, Harvey Brackeen, Melvin Brackeen, Minnie Brackeen, Willet Shannon, Ezra Lee Shannon, Malinda Malaney, Henry J. Malaney, Myrtle L. Malaney, Fannie E. Malaney, Nannie E. Malaney, Susan J. Perkins, Ira E. Perkins, James T. Perkins, Arther Perkins, Gertrude Perkins, Myrtle Perkins, Audrey Perkins, Alma Perkins, Buna Perkins, Vada Perkins, Lloyd Perkins, Vera Perkins, Willie D. Perkins, Nannie A. Cross Bledsoe, Milton S. Bledsoe, Minnie Laura Bledsoe, William A. Bledsoe, Miranda Frances Bledsoe, Sallie Homer Morgan, Mamie Cross Morgan, Willie Carleton Morgan, Florence Rachel Morgan, Calvin Miller Morgan, James Shelby Morgan, Sallie Stanley, Horace Folsom Stanley, Mattie Miranda Justies, Nannie Lee Justies, Thomas Shelby Justies, William Shelby Perkins, Carl Perkins, Iris Amy Perkins, Joe Perkins, Duain Sheb Cross, Nannie Katherine Cross, Eddie B. Cross, Susan Francis McGlasson, Clement McGlasson, Ernest W. McGlasson, Nannie F. Gambill, Roger N. Gambill, Mamie U. Gambill, Nellie W. Cross, Joel A. Shannon, Claud W. Shannon, Ethel Shannon, Earl Shannon, Clarence Shannon, Virgie Shannon, Laura J. Duncan, Winifred J. Duncan, Viola Duncan, Jesse A. Duncan, Tommy J. Duncan, Lucile Duncan, Cecil Duncan, Rosie E. Stanley, Sudie S. Stanley, Eddie Roy Stanley, Sybil W. Stanley, Minnie A. Adshire, Nora May Adshire, Jewel Christine Adshire, Nannie F. Akers, Essie Akers, Elgin Akers, Alice Akers, Flossie Akers, Madison M. Akers, Lillian E. Akers, Nannie M. Akers, Otis Akers, Bessie Milford, Eddie Milford, Mary L. Crook, Mary Crook, Lillian Bedford, Ruth N. Bedford, Mabel J. Bedford, Roberta I. Coleman, Mamie E. Coleman, Smith B. Coleman, Lillian R. Coleman, George Robert Coleman, Roberta I. Coleman (2), Laura Coleman, Jack J. Coleman, Mildred M. Coleman, Jessie Crook Smith, Hugh Earl Smith, Mary Ruth Smith, John W. Crook, Olin L. Crook, Mary Adeline Crook, Charles O. Crook, Harry C. Crook, William S. Crook, Walter J. Crook, W. Wilson Crook, Stella W. Schultze, Marvin B. Crook, Texanna Jones, Fannie Long, Thomas J. R. Yates, Effie Agnes Yates, Tommie O. Yates, Verlinda Caton Yates, Alice I. Compton, Jesse R. Shelton, Myra Jessie Shelton, Cora Allen Shelton, Annie May Shelton, Nina E. Shelton, Eli J. Shelton, Ethel Pearl Shelton, Irene Thomas, Jesse C. Thomas, Bessie F. Thomas, Florence Carson, Lola A. Haraway, Georgia Haraway, Rachel E. Haraway, Ada A. Shelton, Alva Shelton, Irma Shelton, Idella Garland, Columbus A. Shipe, Maud M. Shipe, James M. Yates, Victor L. McGlasson, Victor L. McGlasson, jr., Louise McGlasson, Russell McGlasson, Cora Therese Porter, Cora Estelle Lindsay, Leslie F. Lindsay, Robert Porter Lindsay, Georgia Berry Lindsay, Georgia B. Porter, Johnnie G. Berry, Mary Louise Berry, Russell G. Berry, Marie F. Kidd, Johnnie K. Kidd, Clarence Greenwood Hilburn, Willetta M. Murphy, Estelle Murphy, Robert Murphy, Josie Murphy, Roy Shelton Murphy, Emma G. Stafford, Ralph Stafford, Grover O. Stafford, Tura Dow Stafford, Nevada Stafford, Melville Yates, Mary Alma Yates, Vera Yates, Myra Yates, Walter A. Jones, Jesse W. Jones, Addie May Jones, Earnest Jones, Verner D. Jones, Arthur L. Jones, Karl W. Jones, Elsie L. Jones, Herbert I. Jones, Gus B. Shelton, Jack R. Garland, Joe D. Garland, Jessie Louise Garland, Nannie L. Garland, Joella G. Garland, Leda M. Garland, Mary Gertrude

Grant, Lucinda A. Johnson, Roberta L. Johnson, Fred M. Johnson, Lucile Johnson, Joseph R. Johnson, Wirtter R. Garland, Roy P. Garland, Lamartine R. Latimer, Belle M. Latimer, Lodoiska Latimer, Gordon L. Latimer, Homer Murphy, Burtrude Murphy, John W. Murphy, Verda L. Murphy, Jennie B. Tucker, Fannie M. Tucker, Addie L. Tucker, James M. Yates, jr., Myrtle Yates, Ethel Yates, Annell Yates, Napoleon S. Young, Van Young, Nellie Young, Ethel Young, Annise Young, Joe Young, Robert S. Hilburn, Edward Hilburn, Mary Hilburn, William N. Yates, Mary R. Yates, Marion L. Yates, Thomas M. Murphy, Thomas S. Young, Della May Young, Dollie Young, Grover Young, Birdie Young, Jesse Young, Ollie Young, William C. Hilburn, Robert Clarence Montgomery, Henry R. Latimer, Jessie B. Latimer, Roscoe N. Latimer, Raymond C. Latimer, William Russell Latimer, Lillian Alderine Latimer, Fannie Montgomery, Burl Montgomery, Mack Montgomery, Claude Montgomery, Harvey O. Jones, Eugene S. Wood, Porter A. Bywaters, Malcolm W. Forbes, Napoleon W. Young, Cora Young, Ora Young, May R. Rush, Mabel L. Rush, John Irvan Rush, Lena C. Strickland, Ida Rena Strickland, Samuel Irvan Strickland, Lina May Strickland, Thomas Clyde Strickland, R. Shelton Bywaters, Frank E. Wood, Alice P. Bywaters, Myrle Bywaters, Hunter Bywaters, Bernie Bywaters, Wilsie J. Wood, Fred F. Hilburn, Albert H. Latimer, Claude Latimer, Pirtle A. Latimer, Susie Latimer, Kate Latimer, David H. Latimer, Isabell Latimer, Mammie Latimer, Frances Latimer, Fletcher L. Grant, Week P. Latimer, Elizabeth Latimer, Joseph T. Latimer, Lucinda Latimer, Theresa May Latimer, Maude Montgomery, Ola Glyn, Rossie H. Glyn, James T. Jones, Marvin Sandford Jones, Leta Jones, Totsy Jones, Tiny Jones, Esther Louise Jones, Hardin Ida Timmins, Ethel Timmins, Edith Timmins and John W. Timmins as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded for review to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED) *Tamie Bixby.*

Registered.

Acting Chairman.

COPY.

MCR 4505

Muskogee, Indian Territory, November 20, 1905.

James T. Jones,
Greenville, Texas.

Dear Sir:

You are hereby notified that on November 6, 1905, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes of January 23, 1903, refusing the several applicants in the consolidated Mississippi Choctaw case of Maggie Coleman et al.

The application made by you for the identification of yourself and your five minor children, Marvin Sanford, Leta, Totay, Tiny and Esther Louise Jones, as Mississippi Choctaws, was consolidated with and made a part of the Maggie Coleman case.

Respectfully,

SIG

Acting Commissioner.

No. 4505

For Identification as a Mississippi Choctaw.

Date 11 11 1906

Name James J. Jones

Age 36 Blood 1/16

Post Office, Greenville Texas

Father: Nardin J. Jones ✓

Mother: ~~Adelaide~~ Jones Deaf

Claims through Mother

Wife: Julia L. Jones ✓
No claim for wife

Claims for self & 5 Children

Children:

Marvin Sanford Jones (M) 14

Leta " 12

Totey " (F) 10

Tiny " (F) 8

Esther Lamine " 16 m

Stenographer A. E. McMillan

Choctaw MCR 4506

Hardin Ida Timmins

See MCR 3878

MCR 4506

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, INDIAN TERRITORY, JANUARY 14, 1902.

#4506.

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In the matter of the application of Hardin Ida Timmins
for the identification of herself and her three minor children,
Ethel, Edith and John W. Timmins, Jr., as Mississippi Choctaws.

Applicant represented by John London, attorney.

Hardin Ida Timmins, being first duly sworn, on her
oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Hardin Ida Timmins.
Q What is your age? A Thirty-eight.
Q What is your post office address? A San Angelo, Tom Green
County, Texas.
Q How long have you lived there? A Going on sixteen years.
Q Where did you live before you lived there? A In Red River
County.
Q Texas? A Yes sir.
Q Were you born in Texas? A Yes sir.
Q Always lived there? A Always lived in Texas.
Q Is your father living? A Yes sir.
Q What is his name? A Hardin I. Jones.
Q Is your mother living? A No sir.
Q What was her name? A Adelaide E. Jones.
Q You claim through which parent; father or mother? A Mother.
Q How much Choctaw blood do you claim? A Well, I don't know.
I believe they say about one-sixteenth.
Q Has your mother ever been recognized in any way or enrolled as
a member of the Choctaw tribe of Indians by the Choctaw tribal
authorities or the United States authorities in Indian Terri-
tory? A No sir.
Q Are you married? A Yes sir.
Q What is your husband's name? A John W. Timmins.
Q He is living? A Yes sir.
Q Does he claim to have Indian blood? A No sir.
Q Is a pure white man is he? A Yes sir.
Q Have you any children you want to make application for?
A Yes sir, three.
Q What is the name of the oldest child? A Ethel, fifteen, girl;
Edith, thirteen; John W. Jr., ten.
Q You claim for yourself and children? A Yes sir.
Q Is John W. Timmins the father of these three children?
A Yes sir.
Q Were you ever married before you married him? A No sir.
Q Was he ever married before he married you? A No sir.

Hardin Ida Timmins--2.

- Q Were you married by a minister under a license? A Yes sir.
- Q Is your name or the name of these children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Commission to the Five Civilized Tribes under the Act of Congress of June 10, 1896? A No sir.
- Q Were you or your children ever admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court for the Indian Territory? A No sir.
- Q Is this the first application you have ever made for yourself and children for citizenship in the Choctaw Nation? A Yes sir.
- Q Do you now come before the Commission for the purpose of being identified as a Mississippi Choctaw, and for the identification of these children as Mississippi Choctaws, claiming under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article of that treaty? A No I don't suppose I do. I have heard it often enough.
- Q You know what a treaty is, do you not? A Yes sir.

A treaty is a compact in writing made between two or more Nations; and such a compact or treaty was made between the United States government and the Choctaw Indians who lived in Mississippi and Alabama in the old Choctaw Nation, on the 27th of September, 1830. The object of that treaty, or at least the principal object, was to effect the removal of all those Indians in the old Choctaw Nation to the new Choctaw Nation, Indian Territory; but before the treaty was signed it became known that a good many Choctaw Indians wouldn't go with the rest of the Indians to the Choctaw Nation, Indian Territory, and so in order to protect the interests of both those Indians who elected to remain in the old Choctaw Nation, article fourteen was drafted and put into the treaty of 1830. That article reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall

Hardin Ida Timmins--3.

not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q Do you think you understand that article now? A Yes sir.
- Q Did any of your Choctaw ancestors comply with or attempt to comply with any of the provisions of that article of that treaty?
- A I don't know.
- Q What is the name of your Choctaw ancestor through whom you claim the right to be identified as a Mississippi Choctaw?
- A Rachel Shelton.
- Q Did she ever live in Mississippi or Alabama? A I have been told she did. I don't know.
- Q Did she live there in 1830, and did she have a family there at that time? A I don't know.
- Q Do you know at what period of her life she lived in Mississippi or Alabama? I really don't.
- Q Did she live in Alabama or Mississippi? A Mississippi I have understood.
- Q Did she have an Indian name or speak the Choctaw language?
- A Yes. I have been told.
- Q Did she have an Indian name? A Yes sir.
- Q What was her Indian name? A Shepaunsee. That's tradition. I don't know.
- Q How do you spell that? A I don't know.
- Q Did she speak the Choctaw language? A I don't know.
- Q Where was she born? A I don't know.
- Q What relation was she to you? A To me?
- Q Yes? A Great-grandmother I believe.
- Q You claim through your mother; what was her maiden name?
- A Forbes.
- Q When did she die? A I really don't know.
- Q Do you know where she died? A She died in Red River County.
- Q About how long ago? A About twenty years ago.
- Q How old was she when she died? A Thirty-nine.
- Q She would be about sixty now would she not, if living?
- A Yes sir.
- Q Did you say where she was born? A Born and raised in Red River County, Texas.
- Q She claims through which parent; father or mother?
- A Mother.
- Q What was her mother's name? A Eliza Shelton. That was her maiden name. She married Forbes and afterwards Henderson.
- Q And she claimed through Rachel Shelton? A Yes.
- Q Did your grandmother live in Mississippi? A Not that I know of. I always knew her in Texas.
- Q Was she born in Texas? A I don't know.
- Q You never heard she lived in Mississippi or Alabama? A No I never heard.
- Q How old would your grandmother be if living now? A I don't know. Her mother was the oldest child of the family.
- Q You don't know how old Rachel Shelton would be if living now?
- A No, I don't know.
- Q How much Choctaw blood did she have--Rachel Shelton? A About half I think.

Hardin Ida Timmins--4.

- Q How do you know she had one-half? A I am just telling what I have heard.
- Q Where did you hear it; in the family? A Yes sir.
- Q What members of the family? A My brothers and sisters and have heard it from others since this matter came up.
- Q You didn't know much about this matter until the matter of application came up? A No sir.
- Q Did any of your ancestors own any improvements on land in Mississippi or Alabama in the year 1830? A I don't know.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830, go to the United States Indian Agent and tell him they wanted to stay in Mississippi, take lands there and become citizens of the United States? A I don't know that.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation, Indian Territory, with the other Indians between 1833, 1838 and 1840? A I don't know.
- Q Did any of them own any land or claim any as beneficiaries under article fourteen of the treaty of 1830? A I don't know.
- Q Did they own any land or claim any or receive any benefits of any kind under any other article than article fourteen or the supplement of that treaty? A I never heard of any.
- Q Did any of your ancestors of Choctaw Indians receive any benefits as Indians under any other treaty made between the United States government and the Choctaw tribe of Indians? A I don't know.

The members of the Choctaw tribe of Indians living in Mississippi and Alabama in 1830, who refused to remove to the Territory under that treaty, but elected to stay in the old Choctaw Nation, were required, if they wished to take advantage of the provisions of article fourteen of that treaty, to go to the United States Indian Agent whose name was Colonel Ward, within six months from the ratification of the treaty of 1830, and tell him that they intended to stay in Mississippi and take lands there and become citizens of the United States. In other words, they were to declare their intention to abandon Indian citizenship and to assume United States citizenship. A great many Indians did this whose names Colonel Ward failed to place upon his list known as Ward's Register, and his failure to make a proper record of all Indians who came before him under that treaty caused a good many Indians to lose both lands and improvements on that land which was taken from them by the government and sold. This caused so many complaints among the Choctaws that in 1837, by an Act approved March 3rd of that year, a Commission was appointed by Congress which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1832, by an Act approved August 23rd of that year, another Commission was appointed for the same purpose.

- Q Did any of your Choctaw ancestors receive any scrip from the United States government which enabled them to select land in Mississippi, Alabama, Louisiana or Arkansas, to replace the land which they had formerly held in the old Choctaw Nation and which was taken from them by the government and sold? A I understand that they did.

Hardin Ida Timmins--5.

- Q What is your knowledge of the fact whether Rachel Shelton or any of your ancestors received any scrip? A Well, we have been told by some who investigated it that such is the case.
- Q Who received the scrip? A Who did?
- Q Yes? A I was told that she did.
- Q Rachel Shelton? A Yes sir.
- Q Did you ever see it or anyone that you know of ever see any scrip that was issued to her by the government? A No sir.
- Q Do you know what became of it? A No.
- Q Did she ever select any land under it? A I don't know that she did.
- Q You never heard that she did, or where it was selected?
- Q I never heard that she did.
- Q Where do you get this information that she received scrip?
- A From our lawyer; those who are working up the case.
- Q Have you any evidence or proof other than your statement now that she received scrip? A No sir.
- Q You say that you have no evidence that you want to introduce now to prove that point or any other statement that you make now in this application? A No sir, nothing now.
- Q Would you like reasonable time in which to offer further evidence or testimony in support of the facts that you make now?
- A Yes sir.

Reasonable time will be allowed this applicant in which to introduce proper evidence and testimony in support of this application she makes for herself and children.

- Q Have you had any relatives who have appeared before the Commission for identification as Mississippi Choctaws? A Yes sir.
- Q Will you give the names of some of them who are descendants from Rachel Shelton? A Eli Shelton; Jesse Shelton his son; Cora Porter; Maggie Coleman.
- Q And others whose names you do not recall? A Yes sir.
- Q These all are descended from Rachel Shelton as the common ancestor? A Yes sir.
- Q Do you want to have their testimony and the evidence given in their cases considered with yours in order to get the benefit of their records? A Yes sir.
- Q Do you speak or understand the Choctaw language? A No sir.
- Q Is there anything further you would like to state in support of this application? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage, medium dark complexion, blue eyes, dark brown hair, doesn't understand the Choctaw language and has no knowledge of the compliance on the part of her ancestors with any of the provisions of the fourteenth article of the treaty of 1830.

Hardin Ida Timmins--6.

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 14th day of January, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.



Subscribed and sworn to before me this 18th day of January, 1902.


Notary Public.

COPY.

COMMISSIONERS

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 4504.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 23, 1903.

Hardin Ida Timmins,
San Angelo, Texas.

You are hereby advised that on the 23rd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Maggie M. Coleman, et al., embracing the following applications for identification as Mississippi Choctaws:

Maggie M. Coleman, et al.,	M C R 3878
Fannie E. Cook, et al.,	M C R 2925
Laura Brackeen, et al.,	M C R 2926
Willet Shannon, et al.,	M C R 2927
Malinda Malaney, et al.,	M C R 2973
Susan J. Perkins, et al.,	M C R 3329
James T. Perkins, et al.,	M C R 3330
Nannie A. Cross Bledsoe, et al.,	M C R 3331
Sallie Homer Morgan, et al.,	M C R 3332
Sallie Stanley, et al.,	M C R 3348
Mattie Miranda Justiss, et al.,	M C R 3349
William Shelby Perkins, et al.,	M C R 3350
Duain Sheb Cross, et al.,	M C R 3351
Eddie B. Cross,	M C R 3352
Susan Francis McGlasson, et al.,	M C R 3353
Nannie F. Gambill, et al.,	M C R 3354
Nellie W Cross,	M C R 3355
Joel A. Shannon, et al.	M C R 3356
Laura J. Duncan, et al.	M C R 3549
Rosie E. Stanley, et al.,	M C R 3550
Minnie A. Adshire, et al.,	M C R 3551
Nannie F. Akers, et al.,	M C R 3552
Alice Akers, et al.,	M C R 3553
Bessie Milford, et al.,	M C R 3554
Mary L. Crook, et al.,	M C R 3869
Lillian Bedford, et al.,	M C R 3870
Roberta I. Coleman, et al.,	M C R 3871
Jessie Crook Smith, et al.,	M C R 3872
John W. Crook, et al.,	M C R 3873
Charles O. Crook, et al.,	M C R 3874
Walter J. Crook, et al.,	M C R 3875
Stella W. Schultze,	M C R 3876
Marvin B. Crook,	M C R 3877
Texanna Jones,	M C R 3879
Fannie Long,	M C R 3880
Thomas J. R. Yates, et al.,	M C R 3881
Alice I. Compton,	M C R 3882

Jesse R. Shelton, et al.,	M C R 3883
Eli J Shelton,	M C R 3884
Ethel Pearl Shelton,	M C R 3885
Irene Thomas, et al.,	M C R 3886
Florence Carson,	M C R 3887
Lola A. Haraway, et al.,	M C R 3888
Ada A. Shelton, et al.,	M C R 3889
Idella Garland, et al.,	M C R 3890
Maud M. Shipe,	M C R 3891
James M. Yates,	M C R 3892
Victor L. McGlasson, et al.,	M C R 3893
Cora Therese Porter,	M C R 3894
Cora Estelle Lindsay, et al.,	M C R 3895
Georgia B. Porter,	M C R 3896
Johnnie G. Berry et al.,	M C R 3897
Marie F. Kidd, et al.,	M C R 3898
Clarence Greenwood Hilburn,	M C R 3899
Willettta M. Murphy, et al.,	M C R 3900
Emma G. Stafford, et al.,	M C R 3901
Melville Yates, et al.,	M C R 3902
Walter A. Jones, et al.,	M C R 3903
Verner D. Jones,	M C R 3904
Arthur L. Jones, et al.,	M C R 3905
Herbert I. Jones,	M C R 3906
Gus B. Shelton,	M C R 3907
Jack R. Garland, et al.,	M C R 3908
Nannie L. Garland,	M C R 3912
Joella G. Garland,	M C R 3913
Leda M. Garland,	M C R 3914
Mary Gertrude Grant,	M C R 3915
Lucinda A. Johnson, et al.,	M C R 3916
Joseph R. Johnson,	M C R 3917
Wirtter B. Garland, et al.,	M C R 3922
Lamartine R. Latimer, et al.,	M C R 3923
Homer Murphy, et al.,	M C R 3924
John W. Murphy, et al.,	M C R 3925
Jennie B. Tucker, et al.,	M C R 3926
James M. Yates, jr., et al.,	M C R 3927
Napoleon S. Young, et al.,	M C R 3928
Robert S. Hilburn, et al.,	M C R 3929
William N. Yates, et al.,	M C R 3930
Thomas M. Murphy,	M C R 3964
Thomas, S. Young, et al.,	M C R 3971
William C. Hilburn,	M C R 3972
Robert Clarence Montgomery,	M C R 3973
Henry R. Latimer, et al.,	M C R 3974
Fannie Montgomery, et al.,	M C R 3975
Harvey O. Jones,	M C R 3976
Eugene S. Wood,	M C R 3977
Porter A. Bywaters,	M C R 3978
Malcolm W. Forbes,	M C R 3979
Napoleon W. Young, et al.,	M C R 3980
May R. Rush, et al.,	M C R 3981
Lena C. Strickland, et al.,	M C R 3982
R. Shelton Bywaters,	M C R 3983
Frank E. Wood,	M C R 3984
Alice P. Bywaters, et al.,	M C R 3985

Wilsie J. Wood,	M C R 3986
Fred F. Hilburn,	M C R 4035
Albert H. Latimer, et al.,	M C R 4102
Fletcher L. Grant,	M C R 4103
Weck P. Latimer, et al.,	M C R 4104
Maude Montgomery,	M C R 4106
Ola Glyn, et al.,	M C R 4151
James T. Jones, et al.,	M C R 4505
Hardin Ida Timmins, et al.,	M C R 4506

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Maggie M. Coleman, Eva Coleman, Ruth A. Coleman, Gertrude Coleman, Davie A. Coleman, Maggie I. Coleman, Elizabeth V. Coleman, Jessie M. Coleman, Shelton Coleman, Fannie E. Cook, Jim David Shannon, Jeff R. Shannon, Claude Martin, Laura Brackeen, Wesley Collom, Etta Collom, Harvey Brackeen, Melvin Brackeen, Minnie Brackeen, Willet Shannon, Ezra Lee Shannon, Malinda Malaney, Henry J. Malaney, Myrtie L. Malaney, Fannie E. Malaney, Nannie E. Malaney, Susan J. Perkins, Ira E. Perkins, James T. Perkins, Arther Perkins, Gertrude Perkins, Myrtle Perkins, Audrey Perkins, Alma Perkins, Buna Perkins, Vada Perkins, Lloyd Perkins, Vera Perkins, Willie D. Perkins, Nannie A. Cross Bledsoe, Milton S. Bledsoe, Minnie Laura Bledsoe, William A. Bledsoe, Miranda Frances Bledsoe, Sallie Homer Morgan, Mamie Cross Morgan, Willie Carleton Morgan, Florence Rachel Morgan, Calvin Miller Morgan, James Shelby Morgan, Sallie Stanley, Horace Folsom Stanley, Mattie Miranda Justiss, Nannie Lee Justiss, Thomas Shelby Justiss, William Shelby Perkins, Carl Perkins, Iris Amy Perkins, Joe Perkins, Duain Sheb Cross, Nannie Katherine Cross, Eddie B. Cross, Susan Francis McGlasson, Clement McGlasson, Ernest W. McGlasson, Nannie F. Gambill, Roger N. Gambill, Mamie U. Gambill, Nellie W. Cross, Joel A. Shannon, Claud W. Shannon, Ethel Shannon, Earl Shannon, Clarence Shannon, Virgie Shannon, Laura J. Duncan, Winifred J. Duncan, Viola Duncan, Jesse A. Duncan, Tommy J. Duncan, Lucile Duncan, Cecil Duncan, Rosie E. Stanley, Sudie S. Stanley, Eddie Roy Stanley, Sybil W. Stanley, Minnie A. Adshire, Nora May Adshire, Jewel Christine Adshire, Nannie F. Akers, Essie Akers, Elgin Akers, Alice Akers, Flossie Akers, Madison M. Akers, Lillian E. Akers, Nannie M. Akers, Otis Akers, Bessie Milford, Eddie Milford, Mary L. Crook, Mary Crook, Lillian Bedford, Ruth N. Bedford, Mabel J. Bedford, Roberta I. Coleman, Mamie E. Coleman, Smith B. Coleman, Lillian R. Coleman, George Robert Coleman, Roberta L. Coleman (2), Laura Coleman, Jack J. Coleman, Mildred M. Coleman, Jessie Crook Smith, Hugh Earl Smith, Mary Ruth Smith, John W. Crook, Olin L. Crook, Mary Adeline Crook, Charles O. Crook, Harry C. Crook, William S. Crook, Walter J. Crook, W. Wilson Crook, Stella W. Schultze, Marvin B. Crook, Texanna Jones, Fannie Long, Thomas J. R. Yates, Effie Agnes Yates, Tommie O. Yates, Verlinda Caton Yates, Alice I. Compton, Jesse R. Shelton, Myra Jessie Shelton, Cora Allen Shelton, Annie May Shelton, Nina E. Shelton, Eli J. Shelton, Ethel Pearl Shelton, Irene Thomas, Jesse C. Thomas, Bessie F. Thomas, Florence Carson, Lola A. Haraway, Georgia Haraway, Rachel E. Haraway, Ada A. Shelton, Alva Shelton, Irma Shelton, Idella Garland, Columbus A. Shipe, Maud M. Shipe, James M. Yates, Victor L. McGlasson, Victor L. McGlasson, jr., Louise McGlasson, Russell McGlasson, Cora Therese Porter, Cora Estelle Lindsay, Leslie F. Lindsay, Robert Porter Lindsay, Georgia Berry Lindsay, Georgia B. Porter, Johnnie G. Berry, Mary Louise Berry, Russell G. Berry, Marie F. Kidd, Johnnie K. Kidd, Clarence Greenwood Hilburn, Willetta M. Murphy, Estelle Murphy, Robert Murphy, Josie Murphy, Roy Shelton Murphy, Emma G. Stafford, Ralph Stafford, Grover O. Stafford, Tura Dow Stafford, Nevada Stafford, Melville Yates, Mary Alma Yates, Vera Yates, Myra Yates, Walter A. Jones, Jesse W. Jones, Addie May Jones, Earnest Jones, Verner D. Jones, Arthur L. Jones, Karl W. Jones, Elsie L. Jones, Herbert I. Jones, Gus B. Shelton, Jack R. Garland, Joe D. Garland, Jessie Louise Garland, Nannie L. Garland, Joella G. Garland, Leda M. Garland, Mary Gertrude

Grant, Lucinda A. Johnson, Roberta L. Johnson, Fred M. Johnson, Lucile Johnson, Joseph R. Johnson, Wirtter R. Garland, Roy P. Garland, Lamartine R. Latimer, Belle M. Latimer, Lodoiska Latimer, Gordon L. Latimer, Homer Murphy, Burtrude Murphy, John W. Murphy, Verda L. Murphy, Jennie B. Tucker, Fannie M. Tucker, Addie L. Tucker, James M. Yates, jr., Myrtle Yates, Ethel Yates, Annell Yates, Napoleon S. Young, Van Young, Nellie Young, Ethel Young, Annise Young, Joe Young, Robert S. Hilburn, Edward Hilburn, Mary Hilburn, William N. Yates, Mary R. Yates, Marion L. Yates, Thomas M. Murphy, Thomas S. Young, Della May Young, Dollie Young, Grover Young, Birdie Young, Jesse Young, Ollie Young, William C. Hilburn, Robert Clarence Montgomery, Henry R. Latimer, Jessie B. Latimer, Roscoe N. Latimer, Raymond C. Latimer, William Russell Latimer, Lillian Alderine Latimer, Fannie Montgomery, Burl Montgomery, Mack Montgomery, Claude Montgomery, Harvey O. Jones, Eugene S. Wood, Porter A. Bywaters, Malcolm W. Forbes, Napoleon W. Young, Cora Young, Ora Young, May R. Rush, Mabel L. Rush, John Irvan Rush, Lena C. Strickland, Ida Rena Strickland, Samuel Irvan Strickland, Lina May Strickland, Thomas Clyde Strickland, R. Shelton Bywaters, Frank E. Wood, Alice P. Bywaters, Myrle Bywaters, Hunter Bywaters, Bernie Bywaters, Wilsie J. Wood, Fred F. Hilburn, Albert H. Latimer, Claude Latimer, Pirtle A. Latimer, Susie Latimer, Kate Latimer, David H. Latimer, Isabell Latimer, Mammie Latimer, Frances Latimer, Fletcher L. Grant, Week P. Latimer, Elizabeth Latimer, Joseph T. Latimer, Lucinda Latimer, Theresa May Latimer, Maude Montgomery, Ola Glyn, Rossie H. Glyn, James T. Jones, Marvin Sandford Jones, Leta Jones, Totsy Jones, Tiny Jones, Esther Louise Jones, Hardin Ida Timmins, Ethel Timmins, Edith Timmins and John W. Timmins as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded for review to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

Tams Bixby.

Acting Chairman.

Registered.

MCR 4506

COPY.

Muskogee, Indian Territory, November 20, 1905.

Hardin Ida Timmins,
San Angelo, Texas

Dear Madam:

You are hereby notified that on November 6, 1905, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes of January 23, 1903, refusing the several applicants in the consolidated Mississippi Choctaw case of Maggie Coleman et al.

The application made by you for the identification of yourself and your three minor children, Ethel, Edith and John W. Timmins, Jr., as Mississippi Choctaws, was consolidated with and made a part of the Maggie Coleman case.

Respectfully,

SIGNED

H. C. Timmins
Acting Commissioner.

No. 1506

For Identification as a Mississippi Choctaw.

Date

JAN 14 1902

Name *Hardin J. Timmins (T.)*

Age

38

Blood

1/16

Post Office, *San Angelo, Texas*

Father: *Hardin J. Jones* l

Mother: *Adelaide E.* " d

Claims through *mother*
husband -
John W. Timmins. l. w.
No claim for husband

Children:

Ethel Timmins. 15

Edith " 13

John W. " Jr. 10

Claim for self &
children

Stenographer *A. G. McMillan*

Choctaw MCR 4507

Barney Hoskins

See MCR 4382

MCR 4507

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, INDIAN TERRITORY, JANUARY 14, 1902.

#4507.

-----oOo-----

In the matter of the application of Barney Hoskins
for identification as a Mississippi Choctaw.

Applicant not represented by attorney.

Barney Hoskins, being first duly sworn, on his oath
testifies as follows:

Examination by the Commission:

- Q What is your name? A Barney Hoskins.
Q What is your age? A Twenty-four.
Q What is your post office address? A Muskogee, I. T.
Q Are you living here now? A Yes sir, for a few days.
Q Where did you live before you came to Muskogee? A This has
always been my home for the last fifteen years.
Q Where did you live before that? A Mississippi.
Q Where were you born? A In Mississippi.
Q What place? A Montgomery County.
Q And did you come to the Territory when you left Mississippi
fifteen years ago? A Yes sir, we lived in Arkansas a while,
and then came up here.
Q How long did you live in Arkansas? A Well, '85 or '89.
Q What is your father's name? A Samuel Hoskins.
Q Is he living? A Yes sir.
Q Has he been before the Commission to make application to be
identified as a Mississippi Choctaw? A He's been here, yes
sir.
Q Is your mother living? A Mother? Yes sir.
Q What is her name? A Adeline Hoskins.
Q You claim your Choctaw blood through your father?
A Through mother and father both.
Q Through both parents? A Yes sir.
Q How much Choctaw blood do you claim? A One-eighth.
Q Did your father have any negro blood? A I don't understand
the question.
Q Did your father have any negro blood? A No sir, he didn't.
Q None whatever? A No sir.
Q What was his blood? A Choctaw and white.
Q And you claim he had about how much blood? A He claims one-
half.
Q What was your mother's blood? A My mother's blood was negro
and Choctaw.
Q Negro and Choctaw; did she have any white blood? A No sir,
she didn't.
Q And about how much Choctaw do you claim your mother had?
A Oh I don't know exactly. I believe she had about the same as
I have.

Parney Hoskins--2.

- Q You think she had about one-eighth? A Yes sir.
- Q Has your parents ever been recognized in any way or enrolled as members of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States in Indian Territory? A They have always claimed Choctaws by blood.
- Q I mean as Indians have they been enrolled? A Not as I know of.
- Q Are you married? A Yes sir.
- Q What is your wife's name? A Jeanette Hoskins.
- Q What is her blood? A She is white and Spanish.
- Q Has she any negro blood? A Yes sir.
- Q Do you make any claim for her? A No sir.
- Q She is living is she? A Yes sir.
- Q White and negro; her blood is white and negro? A Yes sir.
- Q Have you any children you want to make application for? A No sir.
- Q You claim for yourself alone? A That's all.
- Q Is your name on any of the tribal rolls of the Choctaw nation in Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A No sir.
- Q Have you ever made application for enrollment as a Choctaw Indian to the Commission to the Five Civilized Tribes under the Act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
- Q This is the first application for enrollment as a Choctaw Indian that you have ever made either to the Choctaw tribal authorities or the United States authorities? A Yes sir.
- Q Do you now come before the Commission for the purpose of being identified as a Mississippi Choctaw under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article of that treaty? A Not all the way; partly.
- Q You understand what a treaty is? A Yes sir, I think so.

A treaty was made between the Choctaw Indians living in Mississippi and Alabama in what is known as the old Choctaw Nation in the year 1830, and the United States government. The object of that treaty was the removal of all of the Choctaws from the old Choctaw Nation in Mississippi and Alabama, to the Choctaw Nation, Indian Territory. Before the treaty was signed on the 27th day of September, 1830, it became known that a good many Choctaw Indians would not go to the Choctaw Nation, Indian Territory, and in order to protect their interests article fourteen was put into the treaty. Article fourteen reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of

Parney Hoskins--3.

one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q Do you understand that article now? A Yes sir.
- Q Did any of your ancestors comply or attempt to comply with any of the provisions of that article? A Yes sir.
- Q In what way did they attempt to comply with article fourteen?
- A Why my father's mother was full blood Choctaw, and my mother's mother was Choctaw; she married an African full blood.
- Q Yes, but did they go to the United States Indian Agent and tell him they wanted to stay in Mississippi and take land there?
- A No sir.
- Q Then you don't know whether they did comply with the provisions of that article? A No sir.
- Q What is the name of your ancestor--I mean grandfather or grandmother, as far back as you can go--through whom you claim your Choctaw Indian descent? A Martha Williams.
- Q Is this the same ancestor through whom your father claimed?
- A Yes sir.
- Q How much Choctaw blood did she have? A She was full blood.
- Q How do you know Martha Williams was a full blood Choctaw?
- A By my father's-----
- Q What your father has told you? A Yes sir.
- Q Do you know it in any other way? A No sir, only through him.
- Q Did she have a Choctaw Indian name? A Martha Williams was the only name I know of.
- Q Did she speak the Choctaw language? A So my father said she did.
- Q When did she die? A I don't know how long she has been dead.
- Q Do you know how old she would be if living now? A No sir.
- Q Did she live in Mississippi? A Yes sir.
- Q Did she die in Mississippi? A Yes sir.
- Q Do you know where in Mississippi? A No sir, I don't know whereabouts, the County nor nothing like that.
- Q Do you know whether she claimed through her father or mother?
- Q Did she claim her Choctaw blood from her father or mother or both? A She claimed through her mother.
- Q What was her father's blood? A Her father was Choctaw.
- Q She would claim through both then? A Yes sir.
- Q Was she a slave before the war? A No sir.
- Q Were any of your ancestors or relatives slaves before the war?
- A No sir.
- Q Did she live in Mississippi in the year 1830? A Yes sir.
- Q Did she have a family there at that time? A Have who?
- Q Did she have children living in Mississippi at that time?

Farney Hoskins--4.

- A Yes sir.
- Q You know for a fact that she did? A Yes sir.
- Q Do you know the names of any of the children of Martha Williams?
- A Only my father, but he wasn't born then in 1830; he was a baby child. She lived to be near one hundred years of age.
- Q Did he have older brothers and sisters--your father? A Yes sir.
- Q How many? A Only one that I know--Isaiah.
- Q How much older than your father? A Three years I think my father claimed.
- Q Your father is living now; how old is he? A Fifty-six.
- Q You can't give the names of any children of Martha Williams who lived with her in Mississippi in 1830? A No sir.
- Q Did any of your Choctaw ancestors own any improvement on land in Mississippi or Alabama in 1830? A Not that I know of.
- Q Did any of them within six months from the ratification of the treaty of 1830, go to the United States Indian Agent Colonel Ward and tell him they wanted to stay in Mississippi, take lands there and become citizens of the United States?
- A Not that I know of.
- Q Did any of your Choctaw ancestors go from the old Choctaw Nation to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1840? A Not as I know of.
- Q Did any of your Choctaw ancestors own any land or claim any under article fourteen of the treaty of 1830, in Mississippi or Alabama? A No sir.
- Q Did any of your Choctaw ancestors own or claim any land or benefits under any other article of the treaty of 1830, than the fourteenth article or the supplementary articles of that treaty?
- A Don't know.
- Q Did any of your Choctaw ancestors claim any benefits as Choctaw Indians under any treaty made between the United States government and the Choctaw tribe of Indians other than the treaty of 1830? A Not as I know of.

The Indians who remained in Mississippi and Alabama in the old Choctaw Nation after the treaty of 1830 was ratified, which was the 24th day of February, 1831, were required, if they desired to take advantage of article fourteen of that treaty, to go to the United States Indian Agent Colonel Ward, within six months from the ratification of the treaty, and tell him they wanted to stay in Mississippi, take lands there and become citizens of the United States. A great many Choctaw Indians did this whose names Colonel Ward failed to put upon his list known as Ward's Register. His failure to make a proper record of all of the applicants who came before him under that article of that treaty, caused a good many Indians who had land in Mississippi and Alabama to lose their lands for it was taken from them and sold by the government at its public land sales together with the improvements upon that land. This caused so many complaints among the Choctaw Indians that in 1837, by an Act approved March 3rd of that year, Congress appointed a Commission, which Commission went to Mississippi and heard claimants under article fourteen of the treaty of Dancing Rabbit Creek. In 1842 another Commission

Barney Hoskins--5.

was appointed by Congress by an Act approved August 23rd of that year, and this Commission also went to the state of Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Do you know if any of your Choctaw ancestors appeared before either the Commission of 1837 or the Commission of 1842 and claimed benefits under article fourteen of that treaty?
- A I do not.

The Act of Congress approved August 23rd, 1842, provided that if any Choctaw Indian proved his claim under article fourteen of the treaty of Dancing Rabbit Creek, and if it also further appeared that he had had land in Mississippi which the government had taken from him and sold, that he should be entitled to select land in either Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant government land and that a certificate to that effect should be given him. These certificates were called scrip.

- Q Did any of your Choctaw ancestors receive any such scrip from the government as Choctaw Indians? A No sir, I couldn't say.
- Q Have you had any other relatives except your father come here for identification as Mississippi Choctaws? A Brothers and sisters.
- Q What is your brother's name? A Ed Hoskins.
- Q Any other brother? A No sir. Sister Josie.
- Q Josie what? A Josie Hoskins.
- Q She came and made application for herself? A Yes sir.
- Q Any other sister? A No sir.
- Q Do you want to have these relatives' testimony considered with yours when yours is examined; want to have them all taken together? A They have already given theirs in.
- Q Do you want to have their testimony taken with yours when yours is examined? A Yes sir.
- Q So that you can get the benefit of what they have testified to? A Yes sir.
- Q Have you any evidence of any kind that you want to introduce or any witnesses you want to call before the Commission at this time? A No sir.
- Q Have you any request to make in reference to time being allowed for further testimony? A Yes sir.

Reasonable time will be allowed this applicant in which to introduce further testimony or evidence in support of this application.

- Q Do you speak the Choctaw language? A No sir.
- Q Does your father? A Yes, just a few words; he's forgot it---
- Q Have you lived among white people or colored people all your life? A People?
- Q You have been living among Indians? A Yes sir, lived among Indians here.
- Q Where? A In the Creek and Cherokee Nations.
- Q Haven't lived with them in the Choctaw? A No sir.

Barney Hoskins--6.

- Q What is your occupation? A I am a cook.
Q Where do you work? A I have been cooking at Clayton, New Mexico, for the last three months.
Q Are you working here? A No sir, I came here yesterday morning.
Q Do you propose to work here? A Not at the present time; not before the last of March.

This applicant has the appearance and physical characteristics of being descended from mixed ancestry of white and negro blood, and it may be Choctaw Indian blood, as he claims. His hair is close and curly and is black; eyes are black; there is a reddish cast in his color which might indicate a strain of Indian blood; is very much brighter than a full blood negro; undoubtedly, has other blood and he claims to be one-eighth Choctaw, but his father was one-half Choctaw and his mother one-eighth, he would be a different fraction than one-eighth Choctaw blood; doesn't understand the Choctaw language and has no knowledge of the compliance on the part of his ancestors with any of the provisions of the fourteenth article of the treaty of 1830.

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 14th day of January, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.


Subscribed and sworn to before me this 20th day of January, 1902.


Notary Public.

M.C.R. 4507

Muskogee, Indian Territory, October 14, 1902.

Barney Hoskins,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 14th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Sam Hoskins, et al., embracing the following applications for identification as Mississippi Choctaws:

Sam Hoskins, et al.,	M.C.R. 4382
Jessie Kidd,	M.C.R. 4391
Barney Hoskins,	M.C.R. 4507
Ed Hoskins,	M.C.R. 4429
Addie Gray,	M.C.R. 4472

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats. 425) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Sam Hoskins, Adaline Hoskins, Tressie Hoskins, Lucy Hoskins, Lillie Hoskins, Nora Hoskins, Jessie Kidd, Barney Hoskins, Ed Hoskins and Addie Gray as Choctaw Indians entitled to rights

B.H.---2

in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Commissioner in Charge.

Registered.

M.C.R.4507

COPY

Muskogee, Indian Territory, December 9, 1902.

Barney Hoskins,

Muskogee, Indian Territory.

Dear Sir:-

You are hereby notified that on the 28th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Sam Hoskins, et al., of which decision you were advised by registered mail on the 14th day of October, 1902.

Respectfully,

Acting Chairman.

No.

4507

For Identification as a Mississippi Choctaw.

Date

Name Barney Hopkins.

Age 24 — Blood $\frac{1}{8}$

Post Office, Murkogue, I. T.

Father, Samuel Hopkins, l

Mother, Adeline "negro" l.

Claims through both parents,
wife.

Jeanette Hopkins, l
(white & negro)

No claim for wife

Children:

Claims for self
alone —

M. J. B.

Choctaw MCR 4508

John S. Harris

See MCR D.1

MCR 4508

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, January 14, 1902.

#4508.

In the matter of the application of John S. Harris for the identification of himself and his seven minor children, Cornelie, John W., Nancy E., Thomas, Lacy, Lee Roy, and Porter Harris, as Mississippi Choctaws.

Applicant represented by L. P. Hudson, Attorney.

John S. Harris, being first duly sworn, upon his oath testifies as follows:

Examination by the Commission.

- Q What is your name? A John S. Harris.
Q John S.? A John S. Harris.
Q What is your age, Mr. Harris? A Fifty-two.
Q What is your post office address? A Pisgah, Missouri.
Q How long have you lived there? A I was born and raised there.
Q What is your father's name? A William Harris.
Q Is he living? A No sir.
Q Is your mother living? A No sir.
Q What was her name? A Nancy Harris.
Q Through which parent do you claim Choctaw blood? A My father.
Q How much do you claim? A Three-sixteenths.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw Tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.
Q Are you married? A Yes sir.
Q What is your wife's name? A Frances E.
Q She is living? A Yes sir.
Q Has she any Indian blood? A No sir.
Q White woman? A Yes sir.
Q Do you make any claim for her? A No sir.
Q Have you any children that you want to make application for under twenty-one years of age and unmarried? A Well, put in seven.
Q What is the name of the eldest? A That I want to put in application for?
Q Yes. A Well, now wait till I get my specks and I will give them to you in rotation. Cornelie.
Q C-o-r-n-e-l-i-a? A -i-e .
Q How do you spell it? A C-o-r-n-e-l-i-e .
Q Is that a girl? A Yes sir.
Q How old is she? A Twenty.
Q The next? A John W.
Q How old? A Eighteen.
Q Next one? A Nancy E.
Q Nancy? A Yes sir.
Q How old? A Sixteen.

(2).

Q Next one? A Thomas.
Q Thomas? A Yes sir.
Q How old? A Fourteen.
Q Next? A Lacy.
Q Lacy? A Yes sir.
Q L-a-c-e-y? A L-a-c-y .
Q How old? A Ten.
Q Boy? A Yes sir, and Thomas is a boy also.
Q Next one? A Lee Boy.
Q All one word? A No sir, L-ee R-o-y .
Q Big R. A Yes sir.
Q How old? A Seven.
Q Next one? A Porter.
Q Porter, how old? A Three.
Q Is that the last one? A Yes sir.
Q Are you the father of these children? A Yes sir.
Q And Frances E. Harris is the mother of them all? A Yes sir.
Q Was she ever married before she married you? A No sir.
Q Were you ever married before you married her? A No sir.
Q When and where were you married to your wife Frances? A Cooper County.
Q Missouri? A Missouri, yes sir.
Q What place in Cooper County, town village or city? A Well, it was out in the country. Beenville is their County seat in that County.
Q Do you remember the date of your marriage? A It was '71 I think.
Q you have the proof or license with you have you? A Yes sir.
Q You could produce that or a copy of it later? A I have got it in my pocket.
Q Then you will file it later will you? A Yes sir.
Q Have you the proof of the marriage of your father and mother? A Yes sir.
Q And that you also will produce at the same time? A Yes sir.
Q You claim for yourself and children do you? A Yes sir.
Q Is your name or the name of any of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir, not that I know of.
Q Have you ever made application for yourself and children to be enrolled as citizens of the Choctaw Nation-----A No sir-----to the Choctaw tribal authorities in the Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Commission to the five civilized Tribes under the act of Congress of June 10, 1896? A No sir.
Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.
Q Do you now come before the Commission to be identified and for the identification of your children as Mississippi Choctaws claiming under Article XIV of the Treaty of 1830? A Yes sir.
Q Do you understand that article? A No sir, I don't know that I do.
Q Do you understand what a treaty is? A Well no. I have heard it but then I don't understand it exactly.
Q A treaty is a compact in writing made between two or more Nations. It differs from a contract or an agreement in writing made between individuals in that it is made between Nations instead of persons. A treaty like that was made between the United States Government

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and the Choctaw Indians who lived in Mississippi in 1830. It was signed on the 27th day of September of that year, and ratified on the 24th day of February in the following year. The object of that treaty was mainly the removal of all the Choctaw Indians who lived in Mississippi or Alabama in the old Choctaw Nation from that old Choctaw Nation to the Choctaw Nation, Indian Territory, but before it was signed a good many Indians had determined not to go to the new Choctaw Nation, and in order to protect their interests some provision had to be made in that Treaty of 1830 before it was signed by the Indians, so Article XIV was drafted and put into the Treaty and then the Treaty was signed and was afterwards ratified. Article XIV reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you understand that Mr. Harris? A Yes sir.
- Q Did any of your ancestors comply with the provisions of that article do you know? A No sir, I couldn't tell you about that.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A William Harris.
- Q William Harris; what relation was he to you? grandfather? Great-grandfather? A That's my father.
- Q What? A No, I have got that wrong.
- Q It wasn't William Harris? A Which? I didn't understand the question?
- Q Well, what relation to you? A He was my great-grandfather.
- Q Great-grandfather; how much Choctaw blood did he have? A Well, I believe they claim fullblood.
- Q Fullblood; what proof have you that he was a fullblood Choctaw Indian? A Well sir, I don't know that myself, only that I have heard it through others.
- Q Members of the family? A Members of the family.
- Q Who in the family? A Well, in fact I didn't know anything about that till John S. Martin and them traced it up.

(4).

- Q John B. Martin? A Yes sir.
- Q Who was he? A He's an uncle of mine by marriage.
- Q When the matter was investigated by him and others then you heard of it? A Yes sir.
- Q Did your ancestor, William Harris, have a Choctaw Indian name, if you know? A Well, William Harris is all I know.
- Q That's all the name you know? You never heard that he had any other, did you? A No sir.
- Q Did William Harris live in Mississippi or Alabama at any time in his life? A Well, I have understood that he lived in Mississippi? I don't know.
- Q Did he live in Mississippi in 1830? A I have understood he did. I don't know.
- Q Was he the head of a family there at that time? That is, did he have children there in 1830? A Yes sir, I reckon he did from what I have learned. I don't know.
- Q You heard so in the family? That is, from the connections? A Yes sir, that's my understanding.
- Q What was his father's name? A Which?
- Q William Harris? A Well, you are speaking of my great-grandfather now, ain't you?
- Q I am speaking of William Harris all the time. A Well, I couldn't say what his father's name was.
- Q You claim through your father, William Harris, do you? A Yes sir.
- Q And he claims through whom his father or mother? A Which?
- Q He claims through whom, his father or mother? A James Harris.
- Q James Harris, his father? A James Harris is my-----is William Harris' father.
- Q What's that? A James Harris is William Harris' father.
- Q Well, James Harris is William Harris' father, your grandfather? A Yes sir.
- Q And James was the son of William Harris, your great-grandfather? A Yes sir.
- Q Well now, did your father live in Mississippi? A My father?
- Q William? A Yes sir, I think he was born there. I don't know. That's what I have understood.
- Q How old would he be if living now? A I think about ninety.
- Q About ninety, and you think then, ninety years ago he was born in Mississippi, do you? A That's the best of my knowledge.
- Q His father James; was he born in Mississippi? A Well now, I couldn't tell you that.
- Q How old would your great-grandfather William be if living now if you know? A Well, I couldn't say.
- Q Did any of your Choctaw ancestors, if Choctaw Indians, own any improvements on land in Mississippi or Alabama in 1830? A Not that I know sir.
- Q Did any of your Choctaw ancestors within six months after the ratification of the Treaty of 1830, go to the United States Indian Agent, and declare their intention to remain in Mississippi and take land there and become citizens of the United States? A Noy that I know of.
- Q Did any of your Choctaw ancestors go from that old Choctaw nation to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1840? A Not that I know of.
- Q Did any of your Choctaw ancestors own or claim any land in Mississippi or Alabama as beneficiaries under Article XIV of the Treaty of 1830? A Not that I know of, no sir.

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- Q Did they claim any benefits as Choctaw Indians under any other article of the Treaty of 1830 than Article XIV or under the supplement of that Treaty? A No sir, not that I know of.
- Q Did any of your Choctaw ancestors claim any benefits under any treaty made between the United States Government and the Choctaw Indians other than the Treaty of 1830? A Not that I know of.
- Q The Choctaw Indians who remained in Mississippi in 1830, after the Treaty of 1830 was ratified, in order to take advantage of Article XIV of that Treaty, were obliged to go to the United States Indian Agent within six months from the ratification of the Treaty, and tell him that they wanted to stay in Mississippi, they intended to take land there and live upon it for five years, and also that they intended to become citizens of the United States. A great many Choctaw Indians did this whose names Colonel Ward failed to put upon his list made by him and known as Ward's Register. This caused a great many complaints among the Choctaw Indians because those who had land in Mississippi upon which they had improvements and whose names failed to show upon that list had their land and improvements taken from them by the government and sold. The complaints made were so numerous that Congress, in 1837, by an act approved March 3, of that year, appointed a Commission. This Commission went to the state of Mississippi and heard claimants under Article XIV of the Treaty of 1830 and made lists of their names. In 1842 another Commission was appointed by Congress for the same purpose, and this Commission also made lists of the names of those claimants who appeared before it. Did any of your Choctaw ancestors go before either of those two Commissions and claim benefits under Article XIV of that Treaty? A Not that I know of.
- Q The act of Congress approved August 23, 1842, provided that if any Choctaw Indian proved his claim under Article XIV of the Treaty of Dancing Rabbit Creek, if it further appeared that he had had his land taken from him by the Government and sold, that he should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant Government land, and that a certificate to that effect should be given to him. These certificates were called scrip. Did any of your Choctaw ancestors receive any such scrip from the Government as Choctaw Indians? A Not that I know of.
- Q Have you any relatives who have appeared before the Commission to be identified as Mississippi Choctaws claiming through the same ancestor, William Harris? A Yes sir.
- Q Can you give the names of some of them? A Yes, I think some of my sisters have and one of my brothers.
- Q Give the names. A Lemuel Harris is one of them.
- Q Lemuel Harris. Give the names, more of them. A Matilda Sullins.
- Q What's that? A Matilda Sullins.
- Q Matilda Sullins. A Susan M. Dale.
- Q Susan M. Dale, D-a-l-e? A Yes sir.
- Q Can you give any more? A Martha J. Odneal.
- Q And others whose names you don't now recall? A Mary J. McDaniel.
- Q And others? A Yes sir.
- Q They all claim through William Harris, your great-grandfather? A Yes sir.
- Q Do you want to have the testimony given by all those who have appeared before the Commission claiming through this same common ancestor considered with yours in order that you may get the benefit of what they have testified to? A Yes sir.
- Q Have you any evidence of any kind, or any witnesses that you want

(6).

to now produce before the Commission in support of your claim?

Here L. P. Hudson, Attorney for applicant, asked leave to file the marriage certificate of William Harris and Nancy Davis, the father and mother of this applicant. Also the marriage certificate of J. S. Harris and F. E. Stenson, being the certificate of the marriage of himself and wife, and asks that the same be marked Exhibits "A" and "B" respectively and made a part of this record. Also affidavit of J. C. Martin and John G. Snodgrass, showing the relationship of this applicant to the common ancestor William Harris, marked Exhibit "C" and made a part of this record.

Motion granted.

- Q Have you any other evidence or have you any witnesses that you want to call? A No sir.
Q Do you speak the Choctaw language? A No sir.
Q Is there anything further you want to say in support of this claim? A Not that I know of.

This applicant has the appearance and physical characteristics of being descended from white parentage; blue eyes, dark complexion, and black hair. He does not understand the Choctaw language and has no knowledge of a compliance on the part of his ancestors with any of the provisions of article XIV of the Treaty of 1830.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on January 14, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of January, 1902.

Subscribed and sworn to before me this 16 day of January, 1902.

Hal Belford
Charles M. Bellwood
Notary Public.

COMMISSIONERS
HENRY L. DAWES.
TAMS DIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Miss. Choo.4508

COPY.

Muskogee, Indian Territory, March 15, 1902.

John S. Harris,
Pisgah, Missouri,
Dear sir:

You are hereby advised that on the third day of March, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John S. Martin, et al., embracing the following applications for identification as Mississippi Choctaws:

John S. Martin, et al.,	M.C.D.	1
Margaret Emeline Rodgers, et al.,	M.C.R.	13
Lemuel Harris, et al.,	M.C.R.	10
John Harris, et al.,	M.C.R.	11
James M. Jones, et al.,	M.C.R.	12
Robert Columbus Jones,	M.C.R.	14
John Lewis Jones,	M.C.R.	15
Celestia T. Hurst, et al.,	M.C.R.	721
James Madison Harris,	M.C.R.	724
Thomas Jefferson Harris, et al.,	M.C.R.	725
William T. Harris, et al.,	M.C.R.	915
Grant Harris, et al.,	M.C.R.	917
Cordelia Rogers, et al.,	M.C.R.	919
Mattie Findley, et al.,	M.C.R.	920
Birdie Richards, et al.,	M.C.R.	997
Ota White, et al.,	M.C.R.	1001
Rhoda A. Rowland, et al.,	M.C.R.	1005
James M. Martin, et al.,	M.C.R.	1004
Dollie Ralls,	M.C.R.	1007
Sara E. Rowles, et al.,	M.C.R.	1006
Dora Lee Caldwell, et al.,	M.C.R.	1008
Mattie J. Denning, et al.,	M.C.R.	1009

Nannie May Gilvin, et al.,	M.C.R. 1010
Izzie Lee Wood, et al.,	M.C.R. 1011
Carl Clark,	M.C.R. 1012
Estella Trice, et al.,	M.C.R. 1013
Susan Lucinda Glover, et al.,	M.C.R. 1441
Mary J. Smith, et al.,	M.C.R. 1442
Sarah N. Johnson et al.,	M.C.R. 1543
Mary J. McDaniel, et. al.,	M.C.R. 3208
Martha J. Odneal, et al.,	M.C.R. 3209
Matilda Sullins, et al.,	M.C.R. 3212
Lucinda Francis Duncan, et al.,	M.C.R. 3288
William Alfred Duncan,	M.C.R. 3289
Fannie Adcock, et al.,	M.C.R. 3290
Luenettie Carpenter,	M.C.R. 3291
James Franklin Carpenter, et al.,	M.C.R. 3292
Susan Dale, et al.,	M.C.R. 2818
Fannie A. Lawson, et al.,	M.C.R. 16
Viola J. Oakman, et al.,	M.C.R. 716
Eliza J. Martin, et al.,	M.C.R. 717
Willis W. Martin,	M.C.R. 719
Aubrie Lawson, et al.,	M.C.R. 722
Charles C. McAdoo,	M.C.R. 723
Eva Chandler, et al.,	M.C.R. 1042
Roberta J. McAdoo,	M.C.R. 1043
Ellen Chambers,	M.C.R. 2595
Francis M. Martin, et al.,	M.C.R. 2819
Mary C. Martin,	M.C.R. 3200
Margie A. Miller, et al.,	M.C.R. 3210
Harvey A. Martin, et al.,	M.C.R. 3218
Mary Leona Swarner, et al.,	M.C.R. 3287
George A. Chambers, et al.,	M.C.R. 3440
Susan Coffelt, et al.,	M.C.R. 2698
Nancy J. Walser, et al.,	M.C.R. 3204
John G. Snodgrass, et al.,	M.C.R. 3207
William Harris, et al.,	M.C.R. 3211
Sarah E. Snyder, et al.,	M.C.R. 3769
Charles C. Snyder, et. al.,	M.C.R. 3770
William L. Snyder, et al.,	M.C.R. 3484
Annie L. Kerfoot, et al.,	M.C.R. 3849
John T. Snyder,	M.C.R. 3850
Edmond P. Snyder, et al.,	M.C.R. 3851
Sallie T. Bristow, et al.,	M.C.R. 4225
William Stanton Mundell,	M.C.R. 1014
Daniel W. Son, et al.,	M.C.R. 1386
John W. Son, et al.,	M.C.R. 1385
James F. Son, et al.,	M.C.R. 1387
George W. Son, et al.,	M.C.R. 2594
Finis M. Son,	M.C.R. 2596
Maggie Bradford, et al.,	M.C.R. 2597

Irene E. Son,	M.C.R. 2598
Jennie Karstetter, et al.,	M.C.R. 2599
Eliza J. Son,	M.C.R. 2600
Thomas A. Son, et al.,	M.C.R. 3039
Joseph H. Son, et al.,	M.C.R. 3040
Mary R. Wiser, et al.,	M.C.R. 3220
Nancy I. Stark, et al.,	M.C.R. 3221
Anna E. McGinnis, et al.,	M.C.R. 3222
Alice M. Holstein, et al.,	M.C.R. 3660
Frances Mabrey, et al.,	M.C.R. 4511
John S. Harris, et al.,	M.C.R. 4508
Sadie Chambers, et al.	M.C.R. 4509

Said decision, after a review of the evidence submitted, concludes as follows :

“The authority vested in the commission by the twenty-first section of the act of Congress of June 28, 1898, is as follows :

“ ‘Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior.’

“It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Ida May Clark (deceased), Louisa May Martin (deceased), Margaret Emeline Rodgers, Jesse Francis Rodgers, Myrtie Irene Rodgers, Minnie Ola Rodgers, James Alfred Rodgers, Lemuel Harris, Mollie Belle Harris, Nancy Ann Harris, William Thomas Harris, Mary (or Laura) Agnes Harris, Stella Theresa Harris, John Harris, Little John Harris, James M. Jones, Robert Columbus Jones, John Lewis Jones, Celestia T. Hurst, Lallia Pearl Hurst, Henry Jefferson Hurst, Mary Gertrude Hurst, Floyd Raymond Hurst, James Madison Harris, Thomas Jefferson Harris, George Henry Harris, Lola May Harris, William T. Harris, Nannie Bell Harris, Grant Harris, Loyce Jefferson Harris, Euyal Harris, Cordelia Rogers, Willie May Rogers, Roy Rogers, Mattie Findley, Annie Ethel Findley, Thomas Payne Findley, Ira Hershall Findley, Birdie Richards, Lillie Richards, Lonie Richards, Loys Richards, Ota White, John L. White, Rhoda A. Rowland, Lela Rowland, Jimmie Rowland, James M. Martin, Dollie Lee Martin, Jimmie C. Martin, Violet Martin, Vivian Martin, Dollie Ralls, Sarah E. Rowles, John Stephen Rowles, Willie Rowles, Dora Lee Caldwell, Frankie May Caldwell, John Willis Caldwell, Cory Nell Caldwell, Mattie J. Denning, John Roy Denning, Nannie May Gilvin, Benjamin Franklin Gilvin, Izzie Lee Wood, Jesse Lee Wood, Carl Clark, Estella Trice, Eddie Leon Trice, Archie Leroy Trice, Susan Lucinda Glover, William H. Glover, Matarlee Glover, Mary J. Smith, Otto McDonald, James J. McDonald, Sarah N. Johnson, Maggie L. Johnson, Eva May Johnson, John R. Johnson, James W. Johnson, Mary J. McDaniel, Mordecai

McDaniel, Martha J. Odneal, Flara Odneal, Thomas Odneal, Matilda Sullins, Harvey E. Sullins, Mary H. Sullins, Lucinda Francis Duncan, Emma Belle Duncan, Josie Duncan, Bertha Agnes Duncan, William Alfred Duncan, Fannie Adcock, Beulah Laurine Adcock, Ola Marie Adcock, Luenettie Carpenter, James Franklin Carpenter, Gabriel William Carpenter, Katherine L. Carpenter, Susan Dale, Cora Dale, Maggie Dale, Mattie Dale, Fannie A. Lawson, Laurie I. Ora Lawson, Grover Cleveland Lawson, Estelle Lawson, Valentine Lawson, Viola J. Oakman, Maggie Cecil Oakman, William Norris Oakman, Norman Estill Oakman, Eliza J. Martin, Willis W. Martin, Aubrie Lawson, Charles C. McAdoo, Eva Chandler, Martin Chandler, Merrill Chandler, Willie Winfrey Chandler, Roberta J. McAdoo, Ellen Chambers, Francis M. Martin, Minnie Martin, Sallie Martin, Mary C. Martin, Margie A. Miller, Charley A. Miller, Bertha E. Miller, Jessie F. Miller, Lillie A. Miller, Harvey A. Martin, Myrtle M. Martin, Jesse W. Martin, Johnnie A. Martin, Henry L. Martin, Mary Leona Swarner, Lloyd Paul Swarner, George A. Chambers, Orene L. Chambers, Herbert Chambers, Susan Coffelt, Sarah E. Coffelt, Charles E. Coffelt, Lucy I. Coffelt, Nannie M. Coffelt, Nancy J. Walser, Nellie Gray Walser, John G. Snodgrass, Mary P. Snodgrass, Charlie S. Snodgrass, Lucy H. Snodgrass, William Harris, Tilman G. Harris, Sterling Harris, Nettie S. Harris, John W. Harris, Albert G. Harris, Martin M. Harris, Grover Cleveland Harris, Sam S. Harris, Grace M. Harris, Bertha T. Harris, Sarah E. Snyder, Leoda Snyder, Charles C. Snyder, Glenn E. Snyder, Roy L. Snyder, William L. Snyder, Ernest Snyder, Maudie Snyder, Clarence Snyder, Annie L. Kerfoot, Claude Wallace Kerfoot, John T. Snyder, Edmond P. Snyder, Sallie T. Bristow, Abram W. Bristow, William Stanton Mundell, Nellie May Mundell, Mary V. Mundell, John Whitefield Mundell, Millie Francis Mundell, Margaret D. Mundell, William Reed Mundell, Odre Leroy Mundell, Daniel W. Son, Alma J. Son, Ruth Son, Daniel R. Son, Ireta Son, Macolm Son, James A. Son, John W. Son, Albert E. Son, Minnie M. Son, James E. Son, Henry Son, John H. Son, Mary E. Son, Gertrude Son, Ruth L. Son, Rubie Son, ——— Son (male, unnamed), James F. Son, Edgar E. Son, Landon F. Son, Madge Son, Marie Son, George W. Son, James B. Son, Thomas O. Son, Finis M. Son, Maggie Bradford, Lena Bradford, Lois Bradford, Irene E. Son, Jennie Karstetter, Ethel Karstetter, Wilbur Karstetter, Edith Karstetter, George Karstetter, Eliza J. Son, Thomas A. Son, Alvin D. Son, John E. Son, Blanche E. Son, James B. Son, Goldie M. Son, Elva Maud Son, Della Son, Joseph H. Son, Elsie M. Son, Nellie G. Son, Henry L. Son, Ethel B. Son, Ruth Son, Mary R. Wiser, Roy S. Wiser, Mary A. Wiser, Ernest Ray Wiser, John E. Wiser, Nancy I. Stark, William E. Stark, Pearl E. Stark, Bertie F. Stark, Elmer R. Stark, Clarence E. Stark, John F. Stark, Anna E. McGinnis, Oscar L. McGinnis, Alice M. Holstein, Charles W. Holstein, Clyde E. Holstein, Jean J. Holstein, Frederick A. Holstein, Mark M. Holstein, Paul Holstein, Lorena E. Holstein, Frances Mabrey, Seabern Mabrey, Myrtle Mabrey, John S. Harris, Cornelia Harris, John W. Harris, Nancy E. Harris, Thomas Harris, Lacy Harris, Lee Roy Harris, Porter Harris, Sadie Chambers, Clarence R. Chambers, Mabel M. Chambers, Vera G. Chambers, and Travis Chambers, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

"In view of the fact that a motion was heretofore made by the attorneys for the applicants withdrawing the application made by John S. Martin for the identification of himself, the application of Lemuel Harris for the identification of his wife, Eliza Harris, the application of John Harris for the identification of his wife, Flora Harris, the application of James M. Jones for the identification of his wife, Nancy Ellen Jones, the application of Fannie A. Lawson for the identification of her husband, Sylvanus Lawson, the application of Viola Oakman for the identification of her husband William N. Oakman, the application of Eliza J. Martin for the identification

of her husband, Jefferson C. Martin, the application of Celestia T. Hurst for the identification of her husband, James Munroe Hurst, the application of Aubrie J. Lawson for the identification of his wife, Bertha Lawson, and the application made by Thomas Jefferson Harris for the identification of his wife, Elizabeth Harris, as intermarried Mississipi Choctaws, and that upon said motion said applications were dismissed by the Commission, no further consideration of their cases is necessary."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

T. D. Needles.

Commissioner in Charge.

Registered.

M.C.R., 4508.

Muskogee, Indian Territory, April 24, 1902.

John S. Harris,
Pisgah, Missouri.

Dear Sir:

You are hereby advised that on the 14th day of April, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John S. Martin, et al., of which decision you were advised by registered mail, on the 15th day of March, 1902.

Yours truly,

Commissioner in Charge.

M.C.R. 4508.

COPY

Muskogee, Indian Territory, November 16, 1906.

John S. Harris,
Pisgah, Missouri.

Dear Sir:

You are hereby notified that the Secretary of the Interior on November 7, 1906, denied the petition filed with this office by J. O. Pool, attorney at law, South McAlester, Indian Territory, on June 26, 1906, for the readjudication of the consolidated Mississippi Choctaw case of John S. Martin, et al.

Respectfully,

SIGNED

Tams Bixby.
Commissioner.

No. 4508

For Identification as a Mississippi Choctaw.

Date JAN 14 1902

Name John S. Harris.

Age 52 Blood $\frac{3}{16}$

Post Office, Pisgah, Mo.

Father: William Harris, d.

Mother: Nancy " d.

Claims through father
wife. Frances E. Harris, l. w.
to claim for wife.

Children:

Cornelie Harris (F.)	20
John W. "	18
Nancy E. "	16
Thomas (M)	14
Lacy " (M)	10
Lee Lee Roy "	7
Porter "	3

Claims for self and
children
Stenographer Hae Belford

Choctaw MCR 4509

Sadie Chambers

See MCR D.1

MCR 4509

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, January 14, 1902.

#4509.

In the matter of the application of Sadie Chambers for the identification of herself and her four minor children, Clarence R., Mabel M., Vera G., and Travis Chambers, as Mississippi Choctaws.

Applicant represented by L. P. Hudson, Attorney.

Sadie Chambers, being first duly sworn, upon her oath testifies as follows:

Examination by the Commission.

- Q What is your name? A Sadie Chambers.
Q What is your age? A I am thirty-two years.
Q Thirty-three? A Thirty-two.
Q What is your post office address? A Joplin, Missouri.
Q How long have you lived at Joplin? A Three years.
Q Where did you live before you lived there? A Fairland, Indian Territory.
Q How long did you live there? A We lived there four years.
Q And before that where did you live? A We lived in Johnson County, Missouri.
Q Were you born in Missouri? A Yes sir, Benton County, Missouri.
Q And lived there all your life except in the Territory? A Except about four or five years-----six years.
Q Is your father living? A No sir.
Q What was his name? A His name was William Longley.
Q Is your mother dead? A No sir.
Q Living is she? A Yes sir.
Q What is her name? A Her name is Frances Mabrey.
Q Then she married again did she? A Yes sir.
Q How do you spell that last name? A M-a-b-r-e-y .
Q Through which parent do you claim Choctaw blood? A My mother.
Q How much do you claim? A Why, let's see-----a thirty-second, I suppose.
Q One thirty-second. Has your mother ever been recognized in any way or enrolled as a member of the Choctaw Tribe of Indians by the Choctaw tribal authorities or the United States Authorities in the Indian Territory? A No sir, not that I know of.
Q Are you married? A Yes sir.
Q What is your husband's name? A C. C. Chambers.

(2).

Q He is living? A Yes sir.
Q Does he claim to have any Choctaw blood? A No sir.
Q He is a white man is he? A A white man.
Q Then you make no claim for him? A No sir.
Q Have you any children under twenty-one years of age and unmarried that you want to make application for? A I have four under age.
Q What is the name of the oldest? A Clarence Ray Chambers.
Q Clarence R. is it? A Clarence Ray, R-a-y.
Q How old is he? A Nine years.
Q The next? A Mabel May Chambers.
Q How old? A Seven years.
Q Next? A Vera Grace.
Q Vera? A Vera, V-e-r-a, four.
Q Next? A The next one is Travis.
Q T-r-a-v-i-s? A -v-i-s, eighteen months.
Q Is Travis a boy? A Yes sir.
Q Is that all? A That's all.
Q Is C. C. Chambers the father of these children? A Yes sir.
Q And you are the mother? A Yes sir.
Q Are they living with you at your home? A Yes sir.
Q Was he ever married before he married you? A Yes sir.
Q Are there any children by his former marriage? A One.
Q One of these? A No sir.
Q You don't claim through the husband at all? A No sir.
Q You claim for these children by him through you? A Yes sir.
Q You claim for yourself and children do you? A For myself and children.
Q When and where were you married to your husband? A At Nevada, Missouri, in 1891.
Q Do you remember the day of the month? A Yes sir, October 11th, 1891.
Q Is your name or the name of these children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw Tribal Authorities for yourself and children? A No sir.
Q Have you ever made application for yourself and children for citizenship in the Choctaw Nation to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
Q Have you or your children any of them ever been admitted to citizenship in the Choctaw Nation by either the Choctaw Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.
Q Do you now come before the Commission for the purpose of identifying yourself and children as Mississippi Choctaws claiming under Article XIV of the Treaty of 1830? A Yes sir.
Q Do you understand that article of that treaty? A Why, I don't know that I do.
Q Do you understand what a treaty is? A No, I don't know as I do.
Q You understand what an agreement in writing is, made between two or more persons, don't you; an agreement in writing or a contract did you ever hear of two men making a contract and putting it in writing and each signing it? A Yes, I know.
Q Well, you know what that is? A Yes sir, that's a contract.
Q In writing. Now a treaty is practically the same thing, only it is made between two nations or more nations, instead of between people. It is in writing and it is signed by the representatives of the different nations who are parties to it. Such a contract

(3).

as that was made between the United States Government and the Choctaw Indians on the 27th day of September, 1830, at a place called Dancing Rabbit Creek, in Mississippi. The principal object for the making of this Treaty was to remove those Indians from that old Choctaw Nation to the Choctaw Nation, Indian Territory, but before it was signed it became known that a good many Choctaw Indians would refuse to go to the Choctaw Nation, Indian Territory, and in order to protect their rights and interests, Article XIV was drafted and put into the Treaty of 1830. An article in a treaty is a part of it; one of the subdivisions of it. After this Article XIV was put into the Treaty of 1830 the treaty was signed, and then after that it was ratified on the 24th day of February, 1831. Article XIV of that Treaty reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you understand that article now as read and explained to you?
A Yes sir.
- Q Did any of your ancestors comply with any of the provisions of that article? A Not that I know of.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Well, my mother's father, great-grandfather is William Harris.
- Q How old would William Harris be if he were living now? A Well, I couldn't say how old.
- Q When was he born? A I don't know.
- Q When and where did he die? A I don't know that.
- Q Where was he born? A I couldn't tell you where.
- Q Did he ever live in Mississippi? A I couldn't tell you anything about him at all.
- Q You claim through your mother, Frances Mabrey? A Yes sir.
- Q What was her maiden name? A Her maiden name was Harris.
- Q Frances Harris? A Yes sir.
- Q How old is your mother? A She's forty-----fifty-two.
- Q Where was she born? A Cooper County, Missouri.

(4).

- Q She claimed through which parent, her father or mother? A Her father.
- Q His name was James? A No sir, his name was Henry Harris.
- Q Henry Harris; is he living? A No sir.
- Q Did he ever live in Mississippi? A Well, I couldn't tell you that; I don't know.
- Q Or in Alabama? A I don't know.
- Q How old would he be if living now? A Well I don't know. I can't answer that question.
- Q Well now, do you know if any of your ancestors, your grandfather, or great-grandfather, or any of them ever lived in Mississippi or Alabama? A No sir, I don't know.
- Q Don't know whether they had families there in 1830? A No sir, I don't.
- Q Or whether they ever owned any land or improvements on land in 1830, in Mississippi or Alabama? A No sir.
- Q Do you know whether any of your ancestors within six months after the ratification of the Treaty of 1830 went to the United States Indian Agent, Colonel Ward, and told him they wanted to stay in Mississippi, take land there and become citizens of the United States? A No sir.
- Q Did any of your ancestors own or claim any land in Mississippi or Alabama under Article XIV of the Treaty of 1830, or under any other article of that treaty? A I don't know.
- Q Or under the supplement of it? A Not that I know of.
- Q Did any of your ancestors, if Choctaw Indians, claim any benefits as Indians under any treaty made between the United States Government and the Choctaw Indians, other than the Treaty of 1830? A No sir.
- Q The Indians who remained in Mississippi in 1830, that is, who remained in the old Choctaw Nation in Mississippi and Alabama, in order to take advantage of the provisions of Article XIV of that Treaty, were required to go to the United States Indian Agent, whose name was Colonel Ward, within six months from the ratification of that treaty, and tell him that they intended to stay in Mississippi, take land there, and become citizens of the United States. A great many Indians did this whose names do not appear upon the list made by the United States Indian Agent, called Ward's Register. He failed to make a proper record of all applicants under that article of that Treaty, and this caused a good many Indians living in Mississippi to lose the land and the improvements which they had upon that land. Both were taken from them by the Government and sold at its public land sales. A great many complaints were made because of this, and as a result of these complaints, Congress appointed a Commission by an act approved March 3rd of the year 1837, and this Commission went to the State of Mississippi and heard claimants under Article XIV of that treaty. In 1842 another Commission was appointed by Congress for the same purpose, by an act approved August 23rd of that year. Did any of your Choctaw ancestors to your knowledge go before either the Commission of 1837 or the Commission of 1842, claiming benefits under Article XIV of the Treaty of Dancing Rabbit Creek? A Not that I know of.
- Q The act of Congress approved August 23, 1842, provided that those Indians who proved their claims under Article XIV of the Treaty of Dancing Rabbit Creek, and who also proved that they had had land in Mississippi which the Government had taken from them and sold, might select land in Mississippi or Alabama, Louisiana or

(5).

Arkansas, to be taken from vacant Government land, and their right to do so was evidenced by certificates, or as they were called in those days, scrip, issued to them by the Government. Did any of your Choctaw ancestors receive any such scrip from the Government as Choctaw Indians? A Not that I know of.

Q Have you had any relatives who have appeared before this Commission to be identified as Mississippi Choctaws? A Yes sir.

Q Will you name some of them? Just name half a dozen or so. A Well I don't know whether I could. There's T. J. Harris, and then one is, let's see-----Frances Mabrey.

Q And a great many others that you don't now re-call? A Yes sir.

Q Do you want to have the testimony of all of these relatives who have appeared before the Commission as descendants of William Harris considered with yours in order that you may get the benefit of what they have testified to? A Yes sir.

Q Have you any evidence or testimony of any kind further that you wish to introduce, or have you any witnesses that you want to call? A No sir, not that I know of.

Here L. P. Hudson, attorney for applicant asked leave to file marriage certificate and other proper evidence in this case within the near future.

Reasonable time will be allowed this applicant in which to file further proper testimony or evidence in this case if filed in the near future.

Q Do you speak the Choctaw language? A No sir.

Examination by Attorney.

Q Mrs. Chambers, you stated that you only claimed one-thirty-second. Now is that correct or is it your children that have one-thirty-second? A Well, I really don't know whether it's myself or the children.

Q You are a daughter of Mrs. Mabrey, who is here present? A Yes sir.

Q And your mother claimed one-eighth, did she not? A Yes.

Q That would make you one-sixteenth, wouldn't it? A One-sixteenth, that's right.

Q Now Mrs. Chambers, what was your mother's maiden name? A Her maiden name was Harris.

Q And what was her first name? A Her name was Frances Harris.

Q Frances Harris; who was her father and mother. Her father and mother was Henry Harris-----her father was Henry Harris and her mother was Sarah Harris.

Q And did your mother claim through her father, Henry Harris? A Yes sir.

Q Who was Henry Harris' father? A He was a son of James Harris.

Q Son of James Harris; and James Harris? A Was the son of William

(6).

Harris.

Frances Mabrey, being called in behalf of this applicant as a witness, and having been first duly sworn, upon her oath testifies as follows:

Examination by Attorney.

- Q How old are you, Mrs. Mabrey? A Fifty-four.
Q Where do you live? A Briartown, Indian Territory.
Q How long have you resided in the Indian Territory? A About ten years.
Q Are you the mother of Sadie Chambers, the last applicant on the stand? A Yes sir.

Witness excused.

John S. Harris, being called as a witness in behalf of this applicant, and having been first duly sworn, upon his oath testifies as follows:

Examination by Attorney.

- Q State your name, age and residence? A J. S. Harris, fifty-two, residence Pisgah, Missouri.
Q Are you acquainted with Sadie Chambers, the applicant who was just on the stand? A Well, I have seen her when she was small.
Q You are acquainted with her mother, are you? A Yes sir.
Q Who was her mother? A Her mother was Frances Harris.
Q She married who? A She married William Longley, first.
Q And William Longley was the father of Sadie Chambers? A Yes sir.

Witness excused.

By the Commission.

This applicant has the appearance and physical characteristics of being descended from white parentage; blue eyes, medium fair complexion, and brown hair. She has no knowledge of the

(7).

Chectaw language, and no knowledge of a compliance on the part of her ancestors with any of the provisions of Article XIV of the Treaty of 1830.

Hal Gelford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on January 14, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of January, 1902.

Subscribed and sworn to before me this 16th day of January, 1902.

Hal Gelford
Clara Mitchell Wood

Notary Public.

COMMISSIONERS
HENRY L. DAWES.
TAMM DIXON.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Miss. Choct. 4509

COPY.

Muskogee, Indian Territory, March 15, 1902.

Sadie Chambers,
Joplin, Missouri,

Dear Madam:

You are hereby advised that on the third day of March, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John S. Martin, et al., embracing the following applications for identification as Mississippi Choctaws:

John S. Martin, et al.,	M.C.D.	1
Margaret Emeline Rodgers, et al.,	M.C.R.	13
Lemuel Harris, et al.,	M.C.R.	10
John Harris, et al.,	M.C.R.	11
James M. Jones, et al.,	M.C.R.	12
Robert Columbus Jones,	M.C.R.	14
John Lewis Jones,	M.C.R.	15
Celestia T. Hurst, et al.,	M.C.R.	721
James Madison Harris,	M.C.R.	724
Thomas Jefferson Harris, et al.,	M.C.R.	725
William T. Harris, et al.,	M.C.R.	915
Grant Harris, et al.,	M.C.R.	917
Cordelia Rogers, et al.,	M.C.R.	919
Mattie Findley, et al.,	M.C.R.	920
Birdie Richards, et al.,	M.C.R.	997
Ota White, et al.,	M.C.R.	1001
Rhoda A. Rowland, et al.,	M.C.R.	1005
James M. Martin, et al.,	M.C.R.	1004
Dollie Ralls,	M.C.R.	1007
Sara E. Rowles, et al.,	M.C.R.	1006
Dora Lee Caldwell, et al.,	M.C.R.	1008
Mattie J. Denning, et al.,	M.C.R.	1009

Nannie May Gilvin, et al.,	M.C.R. 1010
Izzie Lee Wood, et al.,	M.C.R. 1011
Carl Clark,	M.C.R. 1012
Estella Trice, et al.,	M.C.R. 1013
Susan Lucinda Glover, et al.,	M.C.R. 1441
Mary J. Smith, et al.,	M.C.R. 1442
Sarah N. Johnson et al.,	M.C.R. 1543
Mary J. McDaniel, et. al.,	M.C.R. 3208
Martha J. Odneal, et al.,	M.C.R. 3209
Matilda Sullins, et al.,	M.C.R. 3212
Lucinda Francis Duncan, et al.,	M.C.R. 3288
William Alfred Duncan,	M.C.R. 3289
Fannie Adcock, et al.,	M.C.R. 3290
Luenettie Carpenter,	M.C.R. 3291
James Franklin Carpenter, et al.,	M.C.R. 3292
Susan Dale, et al.,	M.C.R. 2818
Fannie A. Lawson, et al.,	M.C.R. 16
Viola J. Oakman, et al.,	M.C.R. 716
Eliza J. Martin, et al.,	M.C.R. 717
Willis W. Martin,	M.C.R. 719
Aubrie Lawson, et al.,	M.C.R. 722
Charles C. McAdoo,	M.C.R. 723
Eva Chandler, et al.,	M.C.R. 1042
Roberta J. McAdoo,	M.C.R. 1043
Ellen Chambers,	M.C.R. 2595
Francis M. Martin, et al.,	M.C.R. 2819
Mary C. Martin,	M.C.R. 3200
Margie A. Miller, et al.,	M.C.R. 3210
Harvey A. Martin, et al.,	M.C.R. 3218
Mary Leona Swarner, et al.,	M.C.R. 3287
George A. Chambers, et al.,	M.C.R. 3440
Susan Coffelt, et al.,	M.C.R. 2698
Nancy J. Walser, et al.,	M.C.R. 3204
John G. Snodgrass, et al.,	M.C.R. 3207
William Harris, et al.,	M.C.R. 3211
Sarah E. Snyder, et al.,	M.C.R. 3769
Charles C. Snyder, et. al.,	M.C.R. 3770
William L. Snyder, et al.,	M.C.R. 3484
Annie L. Kerfoot, et al.,	M.C.R. 3849
John T. Snyder,	M.C.R. 3850
Edmond P. Snyder, et al.,	M.C.R. 3851
Sallie T. Bristow, et al.,	M.C.R. 4225
William Stanton Mundell,	M.C.R. 1014
Daniel W. Son, et al.,	M.C.R. 1386
John W. Son, et al.,	M.C.R. 1385
James F. Son, et al.,	M.C.R. 1387
George W. Son, et al.,	M.C.R. 2594
Finis M. Son,	M.C.R. 2596
Maggie Bradford, et al.,	M.C.R. 2597

Irene E. Son,	M.C.R. 2598
Jennie Karstetter, et al.,	M.C.R. 2599
Eliza J. Son,	M.C.R. 2600
Thomas A. Son, et al.,	M.C.R. 3039
Joseph H. Son, et al.,	M.C.R. 3040
Mary R. Wiser, et al.,	M.C.R. 3220
Nancy I. Stark, et al.,	M.C.R. 3221
Anna E. McGinnis, et al.,	M.C.R. 3222
Alice M. Holstein, et al.,	M.C.R. 3660
Frances Mabrey, et al.,	M.C.R. 4511
John S. Harris, et al.,	M.C.R. 4508
Sadie Chambers, et al.	M.C.R. 4509

Said decision, after a review of the evidence submitted, concludes as follows :

"The authority vested in the commission by the twenty-first section of the act of Congress of June 28, 1898, is as follows :

" 'Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior.' "

"It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Ida May Clark (deceased), Louisa May Martin (deceased), Margaret Emeline Rodgers, Jesse Francis Rodgers, Myrtie Irene Rodgers, Minnie Ola Rodgers, James Alfred Rodgers, Lemuel Harris, Mollie Belle Harris, Nancy Ann Harris, William Thomas Harris, Mary (or Laura) Agnes Harris, Stella Theresa Harris, John Harris, Little John Harris, James M. Jones, Robert Columbus Jones, John Lewis Jones, Celestia T. Hurst, Lallia Pearl Hurst, Henry Jefferson Hurst, Mary Gertrude Hurst, Floyd Raymond Hurst, James Madison Harris, Thomas Jefferson Harris, George Henry Harris, Lola May Harris, William T. Harris, Nannie Bell Harris, Grant Harris, Loyce Jefferson Harris, Euyal Harris, Cordelia Rogers, Willie May Rogers, Roy Rogers, Mattie Findley, Annie Ethel Findley, Thomas Payne Findley, Ira Hershal Findley, Birdie Richards, Lillie Richards, Lonie Richards, Loys Richards, Ota White, John L. White, Rhoda A. Rowland, Lela Rowland, Jimmie Rowland, James M. Martin, Dollie Lee Martin, Jimmie C. Martin, Violet Martin, Vivian Martin, Dollie Ralls, Sarah E. Rowles, John Stephen Rowles, Willie Rowles, Dora Lee Caldwell, Frankie May Caldwell, John Willis Caldwell, Cory Nell Caldwell, Mattie J. Denning, John Roy Denning, Nannie May Gilvin, Benjamin Franklin Gilvin, Izzie Lee Wood, Jesse Lee Wood, Carl Clark, Estella Trice, Eddie Leon Trice, Archie Leroy Trice, Susan Lucinda Glover, William H. Glover, Matarlee Glover, Mary J. Smith, Otto McDonald, James J. McDonald, Sarah N. Johnson, Maggie L. Johnson, Eva May Johnson, John R. Johnson, James W. Johnson, Mary J. McDaniel, Mordecai

McDaniel, Martha J. Odneal, Flara Odneal, Thomas Odneal, Matilda Sullins, Harvey E. Sullins, Mary H. Sullins, Lucinda Francis Duncan, Emma Belle Duncan, Josie Duncan, Bertha Agnes Duncan, William Alfred Duncan, Fannie Adcock, Beulah Laurine Adcock, Ola Marie Adcock, Luenettie Carpenter, James Franklin Carpenter, Gabriel William Carpenter, Katherine L. Carpenter, Susan Dale, Cora Dale, Maggie Dale, Mattie Dale, Fannie A. Lawson, Laurie I. Ora Lawson, Grover Cleveland Lawson, Estelle Lawson, Valentine Lawson, Viola J. Oakman, Maggie Cecil Oakman, William Norris Oakman, Norman Estill Oakman, Eliza J. Martin, Willis W. Martin, Aubrie Lawson, Charles C. McAdoo, Eva Chandler, Martin Chandler, Merrill Chandler, Willie Winfrey Chandler, Roberta J. McAdoo, Ellen Chambers, Francis M. Martin, Minnie Martin, Sallie Martin, Mary C. Martin, Margie A. Miller, Charley A. Miller, Bertha E. Miller, Jessie F. Miller, Lillie A. Miller, Harvey A. Martin, Myrtle M. Martin, Jesse W. Martin, Johnnie A. Martin, Henry L. Martin, Mary Leona Swarner, Lloyd Paul Swarner, George A. Chambers, Orene L. Chambers, Herbert Chambers, Susan Coffelt, Sarah E. Coffelt, Charles E. Coffelt, Lucy I. Coffelt, Nannie M. Coffelt, Nancy J. Walser, Nellie Gray Walser, John G. Snodgrass, Mary P. Snodgrass, Charlie S. Snodgrass, Lucy H. Snodgrass, William Harris, Tilman G. Harris, Sterling Harris, Nettie S. Harris, John W. Harris, Albert G. Harris, Martin M. Harris, Grover Cleveland Harris, Sam S. Harris, Grace M. Harris, Bertha T. Harris, Sarah E. Snyder, Leoda Snyder, Charles C. Snyder, Glenn E. Snyder, Roy L. Snyder, William L. Snyder, Ernest Snyder, Maudie Snyder, Clarence Snyder, Annie L. Kerfoot, Claude Wallace Kerfoot, John T. Snyder, Edmond P. Snyder, Sallie T. Bristow, Abram W. Bristow, William Stanton Mundell, Nellie May Mundell, Mary V. Mundell, John Whitefield Mundell, Millie Francis Mundell, Margaret D. Mundell, William Reed Mundell, Odre Leroy Mundell, Daniel W. Son, Alma J. Son, Ruth Son, Daniel R. Son, Ireta Son, Macolm Son, James A. Son, John W. Son, Albert E. Son, Minnie M. Son, James E. Son, Henry Son, John H. Son, Mary E. Son, Gertrude Son, Ruth L. Son, Rubie Son, ——— Son (male, unnamed), James F. Son, Edgar E. Son, Landon F. Son, Madge Son, Marie Son, George W. Son, James B. Son, Thomas O. Son, Finis M. Son, Maggie Bradford, Lena Bradford, Lois Bradford, Irene E. Son, Jennie Karstetter, Ethel Karstetter, Wilbur Karstetter, Edith Karstetter, George Karstetter, Eliza J. Son, Thomas A. Son, Alvin D. Son, John E. Son, Blanche E. Son, James B. Son, Goldie M. Son, Elva Maud Son, Della Son, Joseph H. Son, Elsie M. Son, Nellie G. Son, Henry L. Son, Ethel B. Son, Ruth Son, Mary R. Wiser, Roy S. Wiser, Mary A. Wiser, Ernest Ray Wiser, John E. Wiser, Nancy I. Stark, William E. Stark, Pearl E. Stark, Bertie F. Stark, Elmer R. Stark, Clarence E. Stark, John F. Stark, Anna E. McGinnis, Oscar L. McGinnis, Alice M. Holstein, Charles W. Holstein, Clyde E. Holstein, Jean J. Holstein, Frederick A. Holstein, Mark M. Holstein, Paul Holstein, Lorena E. Holstein, Frances Mabrey, Seabern Mabrey, Myrtle Mabrey, John S. Harris, Cornelia Harris, John W. Harris, Nancy E. Harris, Thomas Harris, Lacy Harris, Lee Roy Harris, Porter Harris, Sadie Chambers, Clarence R. Chambers, Mabel M. Chambers, Vera G. Chambers, and Travis Chambers, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

"In view of the fact that a motion was heretofore made by the attorneys for the applicants withdrawing the application made by John S. Martin for the identification of himself, the application of Lemuel Harris for the identification of his wife, Eliza Harris, the application of John Harris for the identification of his wife, Flora Harris, the application of James M. Jones for the identification of his wife, Nancy Ellen Jones, the application of Fannie A. Lawson for the identification of her husband, Sylvanus Lawson, the application of Viola Oakman for the identification of her husband William N. Oakman, the application of Eliza J. Martin for the identification

of her husband, Jefferson C. Martin, the application of Celestia T. Hurst for the identification of her husband, James Munroe Hurst, the application of Aubrie J. Lawson for the identification of his wife, Bertha Lawson, and the application made by Thomas Jefferson Harris for the identification of his wife, Elizabeth Harris, as intermarried Mississipi Choctaws, and that upon said motion said applications were dismissed by the Commission, no further consideration of their cases is necessary."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED).

I. B. Neeley.

Commissioner in Charge.

Registered.

M.C.N. 4509.

Muskogee, Indian Territory, April 24, 1902.

Sadie Chambers,
Joplin, Missouri.

Dear Madame:

You are hereby advised that on the 14th day of April, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John B. Martin, et al., of which decision you were advised by registered mail, on the 18th day of March, 1902.

Yours truly,

Commissioner in Charge.

REFER IN REPLY TO THE FOLLOWING:

M.C.R. 4509.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 16, 1906.

Sadie Chambers,
Joplin, Missouri.

Dear Madam:

You are hereby notified that the Secretary of the Interior on November 7, 1906, denied the petition filed with this office by J. O. Pool, attorney at law, South McAlester, Indian Territory, on June 26, 1906, for the readjudication of the consolidated Mississippi Choctaw case of John S. Martin, et al.

Respectfully,


Commissioner.



11-11-36
11-11-36

Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

4509

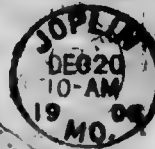
Miss. Choctaw Div.

W. B. Richards

Delivered to Value.

*Dec 20
Joplin, Mo.*

Sadie Chambers,
Joplin, Missouri.



115799

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

MAY 9 1902



ACTING CHAIRMAN



#1436



Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

58

RETURN
TO
WRITER

Sadler & Chamberlain

Not known Josephine

M.C.

5705 REGISTERED
JOHN G. JOHNSON
1902

No. 4509

For Identification as a Mississippi Choctaw.

Date JAN 14 1901

Name Sadie Chambers.

Age 32 Blood 1/32

Post Office, Joplin, Mo.

Father: William Longley, d

Mother: Frances Mabrey, d.

Claims through mother
husband

C. C. Chambers, l. w.

No claim for husband

Children:

Clarence R. Chambers. 9

Mable M. " 7

Vera S. " 4

Travis " (M) 18 m.

Claims for self &
children.

grapher Hal Belford

Choctaw MCR 4510

James E. Mott

See MCR 6294

MCR 4510

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory January 14, 1902.

#4510.

In the matter of the application of James E. Mett for
the identification of himself and his minor child, Jessie Mett, as
Mississippi Cheetaws.

J. E. Arnold, Attorney for applicant.
(Appearance by L. F. Hudson.)

James E. Mett, being first duly sworn, upon his oath
testifies as follows:

Examination by the Commission.

- Q What is your name? A J. E. Mett.
Q Martin? A Mett.
Q That J. is James is it? A Yes sir.
Q James E. Mett-----is that right? (No answer).
Q M-e-tt is right? A Yes sir.
Q What is your age? A Thirty.
Q What is your post office address? A Atoka, I. T.
Q How long have you lived there? A I come there the last of last
March.
Q Last March? A Yes sir.
Q Where did you live before you went to Atoka? A I lived in the
~~Chickasaw Nation~~
Q Chickasaw? A Yes sir.
Q What place? Near what place? A Near Ardmore. South of Ardmore.
The post office was Meran.
Q How long did you live there? A I lived there thirteen years.
Q Where did you live before that? A In Texas.
Q Where were you born? A Sir?
Q Where were you born? A In Texas. Angelina County.
Q Is your father living? A Yes sir.
Q What is his name? A Benjamin Mett.
Q Is your mother living? A Yes sir.
Q What is her name? A Harriett Mett.
Q Harriett? A Yes sir.
Q You claim through which parent, your father or mother? A My
mother.
Q How much Cheetaw blood do you claim? A About one-eighth.
Q One-eighth? A Yes sir.

(2).

Q Was your father a slave before the War? A Yes sir.
Q Was your mother? A Yes sir.
Q Both of them? A Yes sir.
Q Were they slaves in Texas? A I think-----yes sir, I think they was part of the time. My mother was in Texas.
Q What? A Mother was in Texas and my father was brought to Texas.
Q Was your father a fullblood Negro? A No sir, he claimed to be Creek.
Q part Creek and part Negro? A Yes sir.
Q And your mother, did she have any white blood? A Who? Mother?
Q Your mother? A No sir, not as I know of.
Q Well, what mixture was her blood? Negro and what? A Choctaw.
Q Negro and Choctaw-----how do you know she had Choctaw blood?
A Well, just by what they have told me.
Q Who told you? A She's told me and grandmother's told me.
Q That she had Choctaw blood? A Yes sir.
Q Did she or any of her ancestors ever live in Mississippi? Did any of them ever live in Mississippi? A Grandmother did live in Mississippi.
Q Your grandmother? A Yes sir.
Q Your mother's mother? A Yes sir.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw Tribal Authorities or by the United States authorities in the Indian Territory-----I mean recognized as members of the Tribe by the Indians themselves? A You mean lately?
Q Any time; was your mother ever made a member of the Choctaw Tribe of Indians. She never has been a member of the Tribe has she? A No sir, not until she come here.
Q When did she come here? Has she been before this Commission to be recognized as a Choctaw? A Yes sir.
Q Well, that's all she ever did? A Yes sir.
Q When did she come before the Commission to be identified? A Last February.
Q Are you married? A Sir?
Q Are you married? A Yes sir.
Q What is your wife's name? A Mattie.
Q Mattie? A Mott.
Q Mattie Mott. She is living is she? A Yes sir.
Q Is she a Negro? A Yes sir, she claims part.
Q What? A She claims part and part Choctaw.
Q Are you making any application for your wife? A No sir, I ain't making any.
Q Have you any children under twenty-one years of age and unmarried that you want to make application for? A One.
Q What is that child's name? A Jessie.
Q J-e-s-s-i-e? Boy or girl? A Girl.
Q How old is she? A She's eleven months old.
Q Eleven months? A Yes sir.
Q That's all the children you have is it? A Yes sir.
Q You claim for yourself and this child do you? A Yes sir.
Q When and where were you married to your wife? A 29th day-----30th day of this last December was two years ago.
Q By a minister under a license? A Yes sir.
Q Where were you married? What place? A Denton, Texas.
Q Where? A Denton, Texas.
Q Denton? A Yes sir.
Q Have you your marriage license and certificate with you? A No sir.
Q Think you could produce them if given time? A Yes sir.

(3).

- Q Reasonable time will be allowed this applicant for that purpose. Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A Sir?
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A Not that I know of.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
- Q Did you ever make application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.
- Q Is this the first application of any kind you have ever made for identification or citizenship in the Choctaw Nation? A Yes sir.
- Q Do you now come before the Commission to identify yourself and child as Mississippi Choctaws, claiming under Article XIV of the Treaty of 1830? A Yes sir.
- Q Do you understand that article of that Treaty? A Sir?
- Q Do you understand that article of that Treaty? A No sir.
- Q Do you understand, or do you know what it says? A Oh! yes! I understand it.
- Q Yes? A Well, I don't know hardly whether I do or not.
- Q Do you know what a treaty is? A I can't say that I do.
- Q What? A I can't say that I do to be positive about it.
- Q Do you know what a contract in writing is? A Yes sir.
- Q Perhaps you have made them? A Yes sir.
- Q Well, a treaty is something like a contract in writing, but it is made between two or more Nations instead of between two or more persons or individuals. It isn't exactly a contract; it is more properly speaking, a compact. Now a treaty like that was made between the United States Government and the Choctaw tribe of Indians at a place called Dancing Rabbit Creek in Mississippi on the 27th day of September, 1830. The object of that Treaty was to remove, under certain conditions, all members of the Choctaw Tribe of Indians who lived in the old Choctaw Nation in Mississippi and Alabama, from that old Nation to the Choctaw Nation Indian Territory. Before the Treaty was signed it became known that a good many Choctaw Indians would refuse to go to the Choctaw Nation Indian territory, and in order to protect their interests Article XIV was put into the Treaty. An Article in a Treaty is a subdivision or part of that Treaty. Article XIV is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this Treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of

(4).

age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Did any of your ancestors comply or attempt to comply with that article? A Not that I know of.
- Q Did they do those things stated there? A I don't know.
- Q You understand that article do you? A Yes sir.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? Grandfather, great-grandfather, or who is it you claim through? A My grandmother.
- Q What was her name? A Eliza Boykin.
- Q How do you spell that? A B-o-y-k-i-n .
- Q Did she ever live in Mississippi? A She was born in Alabama.
- Q She was born in Alabama; do you know where? A No sir, I couldn't tell you where.
- Q Did she afterwards live in Mississippi? A Yes sir.
- Q Do you know where she lived there? A No sir.
- Q Did she live there in the year 1830? A I can't tell you.
- Q Seventy-one years ago? A Can't tell you whether she did or not.
- Q Do you know whether she had a family of children in Mississippi or Alabama in 1830? A No sir, she didn't have any.
- Q To the best of your knowledge when did she live in Mississippi? A Well, to the best of my knowledge, I think I have heard her say that she was brought there when she was eighteen years old.
- Q That what? A She's was brought away when she was eighteen years old.
- Q From where? A From Mississippi.
- Q Up to eighteen then she was living in Mississippi. A Yes sir.
- Q How many years did she live in Mississippi? A I don't know.
- Q Where was she born? A I don't know.
- Q Do you know the date? A No sir.
- Q Where did she die? A She's not dead-----not unless she died the last day or two.
- Q Well, how old is she now? A I can't tell you.
- Q Well is she a middle aged woman or a pretty old woman? A She's a old woman.
- Q Well, would she be seventy, eighty or ninety? I don't expect you to tell me exactly but you can give me an idea. A She's up about eighty I think, but I wouldn't be positive about it.
- Q Is she pretty old and feeble and wrinkled? A Yes sir.
- Q Did you ever hear her say how old she was? A No sir, I don't know how old she is. But then I have heard her say she was twenty one years older than my mother.
- Q And your mother is how old? A Fifty-eight or nine.
- Q Now you say about the age of eighteen she left Mississippi? A Yes sir.
- Q And for sometime previous to that she lived in Mississippi did she A Yes sir.

(5).

- Q Is she's about eighty years old she was born about 1820 wasn't she? A I don't know.
- Q That would be about eighty years ago, 1821, and sometime between 1830 and 1840 she left Mississippi when she was eighteen years old. Is that right? A I don't know.
- Q Well, the figures will show that, but you don't know anything more about it than that do you? A No sir.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A Not that I know of.
- Q Were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians in Mississippi or Alabama in 1830 or any time before that? A I can't tell you?
- Q What? A I can't tell you.
- Q You can't tell-----did any of your Choctaw ancestors within six months after the ratification of the Treaty of Dancing Rabbit Creek go to the United States Indian Agent and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States? A Not that I know of.
- Q Did any of your ancestors if Choctaw Indians go from that old Choctaw Nation to the Choctaw Nation, Indian Territory with the other Indians between 1833 and 1838 or '40? A No sir I couldn't tell you.
- Q None of your people ever came to the Indian Territory from Mississippi? A No sir, not to my knowledge.
- Q Did any of your Choctaw ancestors own or claim any land in Mississippi or Alabama under Article XIV of the Treaty of 1830? A No sir, I don't know.
- Q Did any of them own or claim any land or receive any benefits under any other article of the Treaty of 1830 than Article XIV or under the supplement of that Treaty? A Not that I ever heard anything about.
- Q Did any of your Choctaw ancestors claim any benefits as Indians, as Choctaw Indians, under any Treaty made between the United States Government and the Choctaw tribe of Indians other than the Treaty of 1830? A No sir, not that I know of.
- Q The Indians who remained in Mississippi and Alabama in the old Choctaw Nation after the Treaty of 1830 was ratified were required by the Government and by the conditions of Article XIV of that Treaty, if they wished to take advantage of Article XIV, to go to the United States Indian Agent and tell him within six months from the ratification of the Treaty that they intended to stay in Mississippi, take land there, live upon it for five years and furthermore intended to become citizens of the United States. A good many Indians did this whose names were not placed upon the list made by Colonel Ward, the United States Indian Agent, and known as Ward's Register. This failure of his to make a proper record of the names of those applicants who complied with the provisions of Article XIV in that respect, caused a good many Indians who held land in Mississippi to lose their land and the improvements they had upon it. Both were taken from them by the Government and sold. That caused to many complaints among the Choctaw Indians and particularly among those Indians who had their land taken from them, that Congress appointed a Commission in 1837 by an act approved March 3 of that Year, and this Commission went to the State of Mississippi and heard all claimants under Article XIV of that Treaty who desired to come before it. In 1842 another Commission was appointed by Congress for the same purpose by an act approved August 23 of that year. Did any of your Choctaw ancestors appear before either the Commission of 1837 or the Commission of 1842 claiming benefits under Article XIV of that

(8).

- Treaty? A No sir, not that I know of.
- Q The act of Congress approved August 23, 1842 provided that if any Choctaw Indian approved his claim under Article XIV of the Treaty of 1830, and furthermore if it appeared that he had had land in Mississippi which the Government had taken from him and sold at its public land sales, that he should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant Government land and that a certificate to that effect should be given to him. These certificates were called scrip. Did any of your Choctaw ancestors receive any such scrip from the Government as Choctaw Indians? A No sir.
- Q What relatives of yours have been before this Commission before this date to be identified as Mississippi Choctaws? A My mother.
- Q Her name is what? A Harriet Mott.
- Q Harriet Mott----anybody else? A No sir, not anybody else.
- Q Where did she appear? In Atoka? A In Ardmore-----yes sir, she appeared in Atoka.
- Q Do you want to have her testimony considered with yours? A Yes sir.
- Q Have you any documentary evidence or any witnesses that you desire to call further? Have you any written evidence? A No sir, I have no evidence.
- Q Any witnesses before the Commission? A No sir.
- Q Do you want time in which to introduce further testimony in this case? A Yes sir.

Reasonable time will be allowed this applicant in which to furnish further proper evidence in support of his application.

- Q Do you speak the Choctaw language? A Not to no advantage.
- Q Speak it at all? A A little; not much.
- Q How much? A Oh! just a few words.
- Q Just picked up a few words? A Yes sir.

This applicant has the appearance and physical characteristics of being descended from African parentage; black curly hair, black eyes, black complexion. He has no knowledge of the Choctaw language and no knowledge of a compliance on the part of his ancestors with the provisions of Article XIV of the Treaty of 1830.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on January 14, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of January, 1902.

Subscribed and sworn to before me this 28 day of January, 1902.

Hal Belford
Clara Mitchell
Notary Public.

COPY.

M.C.R. 4510

Muskogee, Indian Territory, January 19, 1903.

James E. Nett,

Atoka, Indian Territory.

Dear Sir:

You are hereby advised that on the 19th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Eliza L. Ross, et al., embracing the following application for identification as Mississippi Choctaws:

Eliza L. Ross, et al. M.C.R. 6294
James E. Nett, et al. M.C.R. 4510

These applications were made under the provision of the act of Congress of June 22, 1898 (30 Stat., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Eliza L. Ross, Bessie Ross, Lucette Ross, Angelina Ross, James E. Nett and Jessie Nett as Choctaw Indians entitled to

James E. Mott,--2

rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs,

Respectfully,

SIGNED,

T. B. Woodlee

Commissioner in Charge.

Registered,

M C R 4510

COPY.

Muskogee, Indian Territory, April 23, 1903.

James P. Mott,

Atoka, Indian Territory.

Dear Sir:

You are hereby notified that on the 9th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Elias L. Ross, et al., of which decision you were advised by registered mail on the 19th day of January, 1903,

Respectfully,

Tame Dixie

Chairman

No. 1210
For Identification as a Mississippi Choctaw.

Date JAN 14 1902

Name James E. Mott.

Age 30 Blood 1/8

Post Office, Atoka, I.T.

Father: Benjamin Mott, l.

Mother: Harriet " l

Claims through mother
wife. Mattie Mott, l, negro.
No claim for wife.

Children:

Jessie Mott, 11 m

Claims for self &
child.

Wm. B. Bell

Choctaw MCR 4511

Frances Mabrey

See MCR D.1

MCR 4511

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, January 14, 1902.

#4511.

In the matter of the application of Frances Mabrey for the identification of herself and her two minor children, Seabern and Myrtle Mabrey, as Mississippi Choctaws.

Applicant represented by L. P. Hudson, Attorney.

Frances Mabrey, being first duly sworn, upon her oath testifies as follows:

Examination by the Commission.

- Q What is your name? A Frances Mabrey.
Q M-a-b-r-e-y .
Q What is your age? A Fifty-four.
Q What is your post office address? A Briartown.
Q How do you spell that? A B-r-i-a-r-t-o-w-n .
Q All one word? A Yes, all one word.
Q What state? A Indian Territory.
Q How long have you lived there? A Ten years.
Q Where did you live before that? A In Missouri.
Q Where were you born? A In Missouri.
Q Always lived there until you went to the Indian Territory? A Yes sir.
Q In what place in Missouri were you born? A Cooper County, Missouri.
Q What's that? A Cooper County.
Q Cooper County; is your father living? A No sir.
Q What was his name? A Henry Harris.
Q Is your mother living? A No sir.
Q What was her name? A Sarah Buress.
Q That was her maiden name wasn't it? A Yes sir.
Q Sarah Harris? A Yes sir.
Q You claim your Choctaw blood through which parent? A My father.
Q How much Choctaw blood do you claim? A One-eighth.
Q Has your father ever been recognized in any way, or enrolled as a member of the Choctaw Tribe of Indians, by the Choctaw tribal authorities, or by the United States authorities in the Indian Territory? A Not as ever I knowed of.
Q When and where were your father and mother married? A Well sir, I can't say whether they was married in Mississippi or whether

(2).

they was married in Missouri. I couldn't tell you.

Q You don't remember the date? A No, I couldn't.

Q Do you think you could produce the proof of their marriage? A Why I think so. I think it's here at Ardmore.

Q Reasonable time will be allowed for that purpose. Are you married? A Yes sir.

Q What is your husband's name? A James Mabrey.

Q M-a-b-r-e-y? A Yes sir.

Q Do you claim that he has any Choctaw blood or any Indian blood of any kind? A Mr. Mabrey?

Q Yes. A No sir.

Q White man? A Yes sir, he's a white man.

Q You make no claim for him then? A No sir.

Q Have you any children under twenty-one years of age and unmarried that you want to make application for? A Two.

Q What is the name of the oldest? A Seabern.

Q S-e-a-? A S-e-a-b-e-r-n.

Q Seabern Mabrey? A Yes sir.

Q How old is he? A Fourteen years old.

Q The next? A Myrtle.

Q What? A Myrtle.

Q M-y-r-t-l-e, how old is she? A Twelve.

Q That's all? A Yes.

Q Do you claim for yourself and these children? A Yes sir.

Q Is James Mabrey the father of these two children? A Yes sir.

Q Was he ever married before his marriage to you? A Yes sir.

Q Were you ever married before you married him? A Yes sir.

Q Have you any children other than these by any other marriage? A Yes sir, seven.

Q Well, are they under age? A No sir.

Q All over age? A Yes sir, all of age and married.

Q So these are the only two that you have under age and not married by any marriage? A Yes sir.

Q When did your former husband die? A He died in '60-----'85.

Q 1885 you mean? A Yes sir, 1885.

Q What was his name? A William Longley.

Q William Longley; L-e-n-g-l-e-y? A Yes sir.

Q Have any of your children by this first marriage made application to be identified? A Yes sir.

Q Have all of them? A No sir, hasn't all of them.

Q Is your name or the name of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.

Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities in the Indian Territory? A No sir.

Q Have you ever made application for enrollment as a member of the Choctaw tribe of Indians, for yourself and children to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.

Q Have you or your children ever been admitted to citizenship in the Choctaw Nation, by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.

Q Do you now come before the Commission for the purpose of identifying your self and children as Mississippi Choctaws, claiming under Article XIV of the Treaty of 1830? A Yes sir.

Q Do you understand Article XIV of that Treaty? A Well, I don't know as I do. I never paid much attention to it, and you know I was small then-----of course I wasn't here then and then I didn't pay much attention to it.

Q Do you know what a treaty is? A Yes sir, I have got a pretty

(3).

good idea.

Q What? A I have got a pretty good idea, but then I couldn't explain it.

Q You know then that a treaty is a compact between Nations? A Yes sir.

Q Well, in 1830, on the 27th day of September of that year, at a place called Dancing Rabbit Creek, in Mississippi, a treaty was made between the United States Government and the Choctaw Indians who lived in the old Choctaw Nation in Mississippi and Alabama. The principal object of that treaty was to remove all of the Choctaw Indians who lived there in that old Choctaw Nation to the Choctaw Nation, Indian Territory, but before it was signed it became known that a good many Choctaw Indians wouldn't go to the Choctaw Nation, Indian Territory, with the other Indians under that Treaty, and the other Indians refused to sign the Treaty unless some provision was made for their Indian friends and relatives who refused to go to the Choctaw Nation. Therefore, Article XIV was drafted and put into the Treaty. This article was for the especial benefit of the Indians who stayed in the old Choctaw Nation and reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be over ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you understand that now, Mrs. Mabrey? A Yes, I can understand it.

Q You understand it better than you can explain it? A Yes sir.

Q Did any of your Choctaw ancestors comply with the provisions of that article of that Treaty? A Not as I know of.

Q What is the name of your ancestor who lived in Mississippi? A William Harris.

Q How much Choctaw blood did William Harris have? A They claim he was fullblood.

Q Who claim that? The relatives? A Yes sir, the relatives.

Q Who did you ever hear say he was a fullblood Indian? A Well, I don't know, hardly. Well, it come through my uncles and aunts

(4).

that remained in Mississippi for a while after my father come here, and went west, and first one place and another, and after that they all got together and some way or another they got this started.

- Q You heard of it in that way, did you? A Yes sir.
- Q When and where was William Harris born? A I couldn't tell you. In Mississippi though, my great-grandfather was born, lived there and died, I reckon, in Mississippi.
- Q William Harris was my great-grandfather? A Yes sir, William Harris was my great-grandfather, and he lived there and died as far as I have been taught.
- Q Was he living in Mississippi in 1830? A I couldn't tell you.
- Q Do you know whether he had a family there at that time? A No sir I don't know whether his family was there then or not.
- Q I mean was he the head of a family at that time? A Yes sir, he was the head of a family.
- Q But you don't know about that year? A No sir.
- Q How old would he be if living now? A I couldn't tell you.
- Q You claim through your father? A Yes sir.
- Q And he claims through his father? A Yes sir, Jim Harris.
- Q Who? A James Harris.
- Q And James claims through whom? A William Harris
- Q This same William Harris, your great-grandfather? A yes sir.
- Q Did James Harris live in Mississippi? A He was borned in Mississippi.
- Q How old would he be if living now? A Well, he'd be somewhere over a hundred years old.
- Q Born in Mississippi about 1800 then was he? A I expect so. Something like that.
- Q How long did he stay in Mississippi from the time of his birth? A Well, I don't know.
- Q Do you know when he left Mississippi? A No, I never been taught that.
- Q Don't know whether he left there when he was about thirty or forty? A No sir, I don't know what his age was when he left there.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A Well, I don't know whether they did or not.
- Q Did any of them within six months after the ratification of the Treaty of 1830, tell the United States Indian Agent, Colonel Ward that they intended to stay in Mississippi, take land there and become citizens of the United States? A I don't know.
- Q Did you ever hear whether any of them went from that old Choctaw Nation to the Choctaw Nation Indian Territory, between 1833 and 1838? A Not as I know of I never heard it.
- Q Did any of your Choctaw ancestors own or receive any land or claim any in Mississippi or Alabama under Article XIV of the Treaty of 1830? A Not that I know of they didn't.
- Q Did they claim any under any other Article of that Treaty except Article XIV or under the supplement of that Treaty? A I don't know.
- Q Did you ever hear that any of your ancestors if Choctaw Indians claimed any benefits as Choctaw Indians under any treaty made between the United States government and that tribe-----A No sir-----other than the Treaty of 1830? A No sir.
- Q The Indians who stayed in Mississippi after the treaty of 1830 was ratified were required, if they desired to take advantage of the

(5).

provisions of Article XIV of that Treaty, to go to the United States Indian Agent, Colonel Ward, and tell him that they wanted to stay in Mississippi, take land there, and become citizens of the United States. A great many Indians did that within the time limited in Article XIV, whose names did not appear, or were never placed upon any list made by Colonel Ward. This neglect of his to make a proper record of the names of these applicants who applied under Article XIV, caused a good many Indians who held land in Mississippi and Alabama to have both their land and improvements upon it taken from them by the Government and sold at its public land sales. This naturally caused a great many complaints among the Choctaw Indians so that in 1837 as a result of the complaints made, Congress appointed a commission and this Commission went to Mississippi and heard claimants under Article XIV of that Treaty of 1830. In 1842 Congress appointed another Commission for the same purpose, and this Commission also went to Mississippi and heard claimants under Article XIV of that treaty. Did any of your Choctaw ancestors if you know, go before either of those two Commissions and claim any benefits under Article XIV of that Treaty? A No sir.

Q The act of Congress approved August 23, 1842 provided that if any Indian, any Choctaw Indian, proved his claim under Article XIV of the Treaty of Dancing Rabbit Creek, and if it also appeared that he had had his land taken from him by the Government of the United States and sold, that he might select land in Mississippi, Alabama Louisiana or Arkansas. That land he could take from the vacant Government land, and his authority to take it was evidenced by a certificate or scrip as it was called, issued to him by the Government. Did any of your Choctaw ancestors receive any such scrip from the Government as Choctaw Indians? A None that I ever knew of.

Q Give the names of some of your relatives if you can who have appeared before this Commission to be identified as Mississippi Choctaws claiming through William Harris, a common ancestor? A John S. Harris.

Q Any others? A Sadie Chambers, Jeff Martin, and several others I might mention if necessary.

Q There are others that you don't recall now? A Sir?

Q There are others that you don't recall now? A Yes, there's others if it's required I can give.

Q Do you want to have the evidence given in the cases of all these relatives of yours who claim through William Harris as a common ancestor considered with yours in order that you may get the benefit of their testimony? You want to have them considered together, do you? A Yes sir.

Q Have you any evidence further that you want to introduce at this time or have you any witnesses that you want to call before the Commission? A Well, no, I don't know as there's any here I could get.

Q Is there anything further you would like to state? Anything more you want to say? A No sir.

Q You don't speak Choctaw, do you? A No sir, I don't speak the Choctaw language.

Q How much Choctaw blood do you claim? A One eighth. I think that's what it is.

This applicant has the appearance and physical characteristics of being descended from white parentage; complexion is

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dark, dark brown hair and dark eyes. She does not understand the Chectaw language and has no knowledge of a compliance on the part of her ancestors with any of the provisions of Article XIV of the Treaty of 1830.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on January 14, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of January, 1902.

Subscribed and sworn to before me this 16th day of January, 1902.

Hal Belford

Charles Mitchell Wood
Notary Public.

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Miss. Choo. 4511

COPY.

Muskogee, Indian Territory, March 15, 1902.

Frances Mabrey,

Briartown, Indian Territory,

Dear Madam:

You are hereby advised that on the third day of March, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John S. Martin, et al., embracing the following applications for identification as Mississippi Choctaws:

John S. Martin, et al.,	M.C.D.	1
Margaret Emeline Rodgers, et al.,	M.C.R.	13
Lemuel Harris, et al.,	M.C.R.	10
John Harris, et al.,	M.C.R.	11
James M. Jones, et al.,	M.C.R.	12
Robert Columbus Jones,	M.C.R.	14
John Lewis Jones,	M.C.R.	15
Celestia T. Hurst, et al.,	M.C.R.	721
James Madison Harris,	M.C.R.	724
Thomas Jefferson Harris, et al.,	M.C.R.	725
William T. Harris, et al.,	M.C.R.	915
Grant Harris, et al.,	M.C.R.	917
Cordelia Rogers, et al.,	M.C.R.	919
Mattie Findley, et al.,	M.C.R.	920
Birdie Richards, et al.,	M.C.R.	997
Ota White, et al.,	M.C.R.	1001
Rhoda A. Rowland, et al.,	M.C.R.	1005
James M. Martin, et al.,	M.C.R.	1004
Dollie Ralls,	M.C.R.	1007
Sara E. Rowles, et al.,	M.C.R.	1006
Dora Lee Caldwell, et al.,	M.C.R.	1008
Mattie J. Denning, et al.,	M.C.R.	1009

Nannie May Gilvin, et al.,	M.C.R. 1010
Izzie Lee Wood, et al.,	M.C.R. 1011
Carl Clark,	M.C.R. 1012
Estella Trice, et al.,	M.C.R. 1013
Susan Lucinda Glover, et al.,	M.C.R. 1441
Mary J. Smith, et al.,	M.C.R. 1442
Sarah N. Johnson et al.,	M.C.R. 1543
Mary J. McDaniel, et. al.,	M.C.R. 3208
Martha J. Odneal, et al.,	M.C.R. 3209
Matilda Sullins, et al.,	M.C.R. 3212
Lucinda Francis Duncan, et al.,	M.C.R. 3288
William Alfred Duncan,	M.C.R. 3289
Fannie Adcock, et al.,	M.C.R. 3290
Luenettie Carpenter,	M.C.R. 3291
James Franklin Carpenter, et al.,	M.C.R. 3292
Susan Dale, et al.,	M.C.R. 2818
Fannie A. Lawson, et al.,	M.C.R. 16
Viola J. Oakman, et al.,	M.C.R. 716
Eliza J. Martin, et al.,	M.C.R. 717
Willis W. Martin,	M.C.R. 719
Aubrie Lawson, et al.,	M.C.R. 722
Charles C. McAdoo,	M.C.R. 723
Eva Chandler, et al.,	M.C.R. 1042
Roberta J. McAdoo,	M.C.R. 1043
Ellen Chambers,	M.C.R. 2595
Francis M. Martin, et al.,	M.C.R. 2819
Mary C. Martin,	M.C.R. 3200
Margie A. Miller, et al.,	M.C.R. 3210
Harvey A. Martin, et al.,	M.C.R. 3218
Mary Leona Swarner, et al.,	M.C.R. 3287
George A. Chambers, et al.,	M.C.R. 3440
Susan Coffelt, et al.,	M.C.R. 2698
Nancy J. Walser, et al.,	M.C.R. 3204
John G. Snodgrass, et al.,	M.C.R. 3207
William Harris, et al.,	M.C.R. 3211
Sarah E. Snyder, et al.,	M.C.R. 3769
Charles C. Snyder, et. al.,	M.C.R. 3770
William L. Snyder, et al.,	M.C.R. 3484
Annie L. Kerfoot, et al.,	M.C.R. 3849
John T. Snyder,	M.C.R. 3850
Edmond P. Snyder, et al.,	M.C.R. 3851
Sallie T. Bristow, et al.,	M.C.R. 4225
William Stanton Mundell,	M.C.R. 1014
Daniel W. Son, et al.,	M.C.R. 1386
John W. Son, et al.,	M.C.R. 1385
James F. Son, et al.,	M.C.R. 1387
George W. Son, et al.,	M.C.R. 2594
Finis M. Son,	M.C.R. 2596
Maggie Bradford, et al.,	M.C.R. 2597

Irene E. Son,	M.C.R. 2598
Jennie Karstetter, et al.,	M.C.R. 2599
Eliza J. Son,	M.C.R. 2600
Thomas A. Son, et al.,	M.C.R. 3039
Joseph H. Son, et al.,	M.C.R. 3040
Mary R. Wiser, et al.,	M.C.R. 3220
Nancy I. Stark, et al.,	M.C.R. 3221
Anna E. McGinnis, et al.,	M.C.R. 3222
Alice M. Holstein, et al.,	M.C.R. 3660
Frances Mabrey, et al.,	M.C.R. 4511
John S. Harris, et al.,	M.C.R. 4508
Sadie Chambers, et al.	M.C.R. 4509

Said decision, after a review of the evidence submitted, concludes as follows :

"The authority vested in the commission by the twenty-first section of the act of Congress of June 28, 1898, is as follows :

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

"It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Ida May Clark (deceased), Louisa May Martin (deceased), Margaret Emeline Rodgers, Jesse Francis Rodgers, Myrtie Irene Rodgers, Minnie Ola Rodgers, James Alfred Rodgers, Lemuel Harris, Mollie Belle Harris, Nancy Ann Harris, William Thomas Harris, Mary (or Laura) Agnes Harris, Stella Theresa Harris, John Harris, Little John Harris, James M. Jones, Robert Columbus Jones, John Lewis Jones, Celestia T. Hurst, Lallia Pearl Hurst, Henry Jefferson Hurst, Mary Gertrude Hurst, Floyd Raymond Hurst, James Madison Harris, Thomas Jefferson Harris, George Henry Harris, Lola May Harris, William T. Harris, Nannie Bell Harris, Grant Harris, Loyce Jefferson Harris, Euyal Harris, Cordelia Rogers, Willie May Rogers, Roy Rogers, Mattie Findley, Annie Ethel Findley, Thomas Payne Findley, Ira Hershal Findley, Birdie Richards, Lillie Richards, Lonie Richards, Loys Richards, Ota White, John L. White, Rhoda A. Rowland, Lela Rowland, Jimmie Rowland, James M. Martin, Dollie Lee Martin, Jimmie C. Martin, Violet Martin, Vivian Martin, Dollie Ralls, Sarah E. Rowles, John Stephen Rowles, Willie Rowles, Dora Lee Caldwell, Frankie May Caldwell, John Willis Caldwell, Cory Nell Caldwell, Mattie J. Denning, John Roy Denning, Nannie May Gilvin, Benjamin Franklin Gilvin, Izzie Lee Wood, Jesse Lee Wood, Carl Clark, Estella Trice, Eddie Leon Trice, Archie Leroy Trice, Susan Lucinda Glover, William H. Glover, Matarlee Glover, Mary J. Smith, Otto McDonald, James J. McDonald, Sarah N. Johnson, Maggie L. Johnson, Eva May Johnson, John R. Johnson, James W. Johnson, Mary J. McDaniel, Mordecai

McDaniel, Martha J. Odneal, Flara Odneal, Thomas Odneal, Matilda Sullins, Harvey E. Sullins, Mary H. Sullins, Lucinda Francis Duncan, Emma Belle Duncan, Josie Duncan, Bertha Agnes Duncan, William Alfred Duncan, Fannie Adcock, Beulah Laurine Adcock, Ola Marie Adcock, Luenettie Carpenter, James Franklin Carpenter, Gabriel William Carpenter, Katherine L. Carpenter, Susan Dale, Cora Dale, Maggie Dale, Mattie Dale, Fannie A. Lawson, Laurie I. Ora Lawson, Grover Cleveland Lawson, Estelle Lawson, Valentine Lawson, Viola J. Oakman, Maggie Cecil Oakman, William Norris Oakman, Norman Estill Oakman, Eliza J. Martin, Willis W. Martin, Aubrie Lawson, Charles C. McAdoo, Eva Chandler, Martin Chandler, Merrill Chandler, Willie Winfrey Chandler, Roberta J. McAdoo, Ellen Chambers, Francis M. Martin, Minnie Martin, Sallie Martin, Mary C. Martin, Margie A. Miller, Charley A. Miller, Bertha E. Miller, Jessie F. Miller, Lillie A. Miller, Harvey A. Martin, Myrtle M. Martin, Jesse W. Martin, Johnnie A. Martin, Henry L. Martin, Mary Leona Swarner, Lloyd Paul Swarner, George A. Chambers, Orene L. Chambers, Herbert Chambers, Susan Coffelt, Sarah E. Coffelt, Charles E. Coffelt, Lucy I. Coffelt, Nannie M. Coffelt, Nancy J. Walser, Nellie Gray Walser, John G. Snodgrass, Mary P. Snodgrass, Charlie S. Snodgrass, Lucy H. Snodgrass, William Harris, Tilman G. Harris, Sterling Harris, Nettie S. Harris, John W. Harris, Albert G. Harris, Martin M. Harris, Grover Cleveland Harris, Sam S. Harris, Grace M. Harris, Bertha T. Harris, Sarah E. Snyder, Leoda Snyder, Charles C. Snyder, Glenn E. Snyder, Roy L. Snyder, William L. Snyder, Ernest Snyder, Maudie Snyder, Clarence Snyder, Annie L. Kerfoot, Claude Wallace Kerfoot, John T. Snyder, Edmond P. Snyder, Sallie T. Bristow, Abram W. Bristow, William Stanton Mundell, Nellie May Mundell, Mary V. Mundell, John Whitefield Mundell, Millie Francis Mundell, Margaret D. Mundell, William Reed Mundell, Odre Leroy Mundell, Daniel W. Son, Alma J. Son, Ruth Son, Daniel R. Son, Ireta Son, Macolm Son, James A. Son, John W. Son, Albert E. Son, Minnie M. Son, James E. Son, Henry Son, John H. Son, Mary E. Son, Gertrude Son, Ruth L. Son, Rubie Son, ——— Son (male, unnamed), James F. Son, Edgar E. Son, Landon F. Son, Madge Son, Marie Son, George W. Son, James B. Son, Thomas O. Son, Finis M. Son, Maggie Bradford, Lena Bradford, Lois Bradford, Irene E. Son, Jennie Karstetter, Ethel Karstetter, Wilbur Karstetter, Edith Karstetter, George Karstetter, Eliza J. Son, Thomas A. Son, Alvin D. Son, John E. Son, Blanche E. Son, James B. Son, Goldie M. Son, Elva Maud Son, Della Son, Joseph H. Son, Elsie M. Son, Nellie G. Son, Henry L. Son, Ethel B. Son, Ruth Son, Mary R. Wiser, Roy S. Wiser, Mary A. Wiser, Ernest Ray Wiser, John E. Wiser, Nancy I. Stark, William E. Stark, Pearl E. Stark, Bertie F. Stark, Elmer R. Stark, Clarence E. Stark, John F. Stark, Anna E. McGinnis, Oscar L. McGinnis, Alice M. Holstein, Charles W. Holstein, Clyde E. Holstein, Jean J. Holstein, Frederick A. Holstein, Mark M. Holstein, Paul Holstein, Lorena E. Holstein, Frances Mabrey, Seabern Mabrey, Myrtle Mabrey, John S. Harris, Cornelia Harris, John W. Harris, Nancy E. Harris, Thomas Harris, Lacy Harris, Lee Roy Harris, Porter Harris, Sadie Chambers, Clarence R. Chambers, Mabel M. Chambers, Vera G. Chambers, and Travis Chambers, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

"In view of the fact that a motion was heretofore made by the attorneys for the applicants withdrawing the application made by John S. Martin for the identification of himself, the application of Lemuel Harris for the identification of his wife, Eliza Harris, the application of John Harris for the identification of his wife, Flora Harris, the application of James M. Jones for the identification of his wife, Nancy Ellen Jones, the application of Fannie A. Lawson for the identification of her husband, Sylvanus Lawson, the application of Viola Oakman for the identification of her husband William N. Oakman, the application of Eliza J. Martin for the identification

of her husband, Jefferson C. Martin, the application of Celestia T. Hurst for the identification of her husband, James Munroe Hurst, the application of Aubrie J. Lawson for the identification of his wife, Bertha Lawson, and the application made by Thomas Jefferson Harris for the identification of his wife, Elizabeth Harris, as intermarried Mississipi Choctaws, and that upon said motion said applications were dismissed by the Commission, no further consideration of their cases is necessary."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED) *T. B. Needles.*

Commissioner in Charge.

Registered.

M.C.R., 4511.

Muskogee, Indian Territory, April 24, 1902.

Frances Mabrey,
Briarstown, Indian Territory.

Dear Madam:

You are hereby advised that on the 14th day of April, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John S. Martin, et al., of which decision you were advised by registered mail, on the 15th day of March, 1902.

Yours truly,

Commissioner in Charge.

M C R 4511

Muskogee, Indian Territory, February 15, 1905.

Frances Mabrey,

Porum, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the instant, asking if your right as a Choctaw citizen has been allowed.

In reply you are informed that on April 14, 1902, the Secretary of the Interior approved the Commission's decision of March 3, 1902, refusing the application made by you for the identification of yourself and minor children as Mississippi Choctaws, of which departmental action you were duly notified on April 24, 1902.

The Commission considers your case closed and it is not believed that you and your minor children are in any manner entitled to possessory rights of the tribal property of the Choctaws and Chickasaws.

Respectfully,

Chairman.

M.O.R. 4511.

COPY

Muskegee, Indian Territory, November 16, 1906.

Frances Mabrey,

Perum, Indian Territory.

Dear Madam:

You are hereby notified that the Secretary of the Interior on November 7, 1906, denied the petition filed with this office by J. O. Pool, attorney at law, South McAlester, Indian Territory, on June 26, 1906, for the readjudication of the consolidated Mississippi Choctaw case of John S. Martin, et al.

Respectfully,

SIGNED

Wm Bixby.
Commissioner.

No. 4511

For Identification as a Mississippi Choctaw.

Date

JAN 14 1902

Name

Frances Mabry

Age

54 -

Blood

1/8

Post Office,

Briartown, D. T.

Father:

Henry Harris, d.

Mother:

Sarah " d.

Claims through

husband. father.

Jamies Mabry, l. w.
No claim for husband.

Children:

Leabern Mabry, 14

Myrtle " 12

Claim for self &
children

Choctaw MCR 4512

Hugh Bell

See MCR 5037

MCR 4512

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Edinburg, Mississippi, January 10th, 1902.

In the matter of the application of Hugh Bell for identification as a Mississippi Choctaw.

Said Hugh Bell, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Hugh Bell.
Q How old are you? A Going on 28 years old.
Q How much Choctaw blood have you? A About seven-eighths Choctaw.
Q What is your postoffice address? A Fish.
Q How long have you lived in Neshoba County? A I been living there all my life.
Q Is your father living? A Yes.
Q What is his name? A Scott Bell.
Q Is he a full blood Choctaw? A Yes.
Q Has he a Choctaw name? A No.
Q Where does he live? A In Winston County, near Plattsburg.
Q About how old a man is he? A I don't know.
Q Have you any full brothers or sisters? A I got one half sister and two half brothers but no full brothers or sisters.
Q Is your mother living? A Yes.
Q What is her name? A Neely.
Q How much Choctaw blood has she? A Her mother was half Choctaw, her father was a full blood. That would make her three quarters.
Q About how old is your mother? A About fifty, I reckon.
Q Has she a Choctaw name? A No sir.
Q Does she speak the Choctaw language? A No sir, she knows all the language but she don't speak it.
Q Do you speak or understand the Choctaw language? A Yes sir, most of it. I never been raised up with them.
Q Where were you raised? A Amongst the white people all my life. I can talk some Choctaw but not all.
Q Has your mother always lived in the State of Mississippi? A Yes sir.
Q Has your father always lived here too? A Yes.
Q Does your father speak and understand the Choctaw language? A Yes.
Q Were he and your mother married? A No sir, they been separated a long while.
Q They were married at one time? A Yes sir.
Q Under a license or according to the Choctaw custom? A Choctaw custom.
Q How long did they live together? A I cant tell you.
Q They separated when you were a child? A Yes sir.
Q Where did they live at that time? A I was little then and cant tell.
Q Did they have any other children besides you? A No sir.
Q Do you know the name of your father's father? A I cant think of it now.
Q What is the name of your mother's father? A Marcus.
Q How long has Marcus been dead? A I don't know.
Q Did you ever see him? A No sir.

Hugh Bell--2

Q Was he a full blood Choctaw? A Yes sir, that's what they say he was.

Q Where did he live during his life time? A Near Philadelphia.

Q Did he have any other name besides Barcus? A Not as I know of.

Q Do you know the name of his father? A No.

Q Or of his mother? A No sir.

Q Do you know the name of your father's mother, Scott Bell's mother? A No sir.

Q Do you know the name of your mother's mother? A Yes sir.

Q What is her name? A Ann Howard.

Q Is she living? A Yes sir.

Q Where does she live? A Close to Franks, in Neshoba County.

Q You claim that she is a half blood Choctaw? A Yes.

Q And the other half is white? A Yes.

Q About how old is Ann? A I spect long about seventy or eighty.

Q Has she always lived here in Mississippi? A Yes.

Q Has she a Choctaw name? A No sir.

Q Does she speak or understand the Choctaw language? A Yes, she can understand it some too.

Q But does not understand it thoroughly or speak it thoroughly? A No sir.

Q Do you know the name of her father? A Howard, I think.

Q What other name did he have? A That's all I know.

Q Was he a white man? A I think so.

Q Do you know the name of Ann Howard's mother? A No sir.

Q She was a full blood Choctaw, was she- Ann Howard's mother? A No sir, I don't think she was, Ann Howard's father was a half blood Choctaw.

Q What was her mother? A I cant tell you about her.

Q Was she a half blood too? A I don't know whether she was or not but I know her father was.

Q Do you know anyone living who would likely be informed on this point? A My grandmother, Ann, would.

Q Couldn't you get her to come down here to testify? A No sir, I guess not.

Q Who else would know about how much Choctaw blood you have and about your ancestors? A I spect she would know more than any of them.

Q Don't you think you could get her to come to Meridian after the 15th of this month and testify? A No sir.

Q Couldn't you get her to come over here this afternoon to testify in your behalf? A I don't know, sir.

Q Where does she live? A West of Franks.

Q Are you married? A No sir.

Q Have you ever been married? A No sir.

Q This application then is for yourself only, is that right? A Yes.

Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir, I reckon not.

Q Did you ever make application to the Choctaw Tribal authorities in Indian Territory to be admitted or enrolled as a member of that Tribe? A No sir.

Q Did you or did anyone for you in the year 1896 make application to this Commission for citizenship in the Choctaw Nation under the act of Congress approved June 10, 1896, that is five years ago? A No sir.

Q Have you ever made any application of any description before today to either the Tribal authorities or the United States authorities? A No sir.

Hugh Bell---3

Q This is the first application then of any kind you have ever made? A Yes sir.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.

Q Do you understand that 14th article of the treaty of Dancing Rabbit Creek? A No.

Q You know what a treaty is, don't you? A No sir.

A treaty is a contract or agreement usually ~~made~~ entered into between Nations. You and I might make a contract and we would call it a contract, but if two nations entered into a contract they would call it a treaty. This treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw Tribe of Indians. At the time this treaty was made nearly all of the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of this treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River part of which is now occupied by the greater portion of the Choctaw Tribe of Indians and is commonly known as the Choctaw Nation Indian Territory. At the time the treaty was made some of the Choctaws were unwilling to leave this country and for the benefit of those who wanted to stay here what is known as the 14th article was put in the treaty. An article is a part or subdivision of a treaty. That 14th article is as follows:-

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they live upon said lands, intending to become citizens of the States, for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservations shall include the present improvement of the head of the family or a portion of it. Persons claiming under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you understand that 14th article now? A I understand part of it.

Q What is there about it you don't understand? A I don't know. I never did hear it before.

We will suppose, for example, that 71 years ago, when this

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treaty was made, you were living here and you were a Choctaw Indian and the head of a family; that you preferred at that time to remain here in Mississippi rather than to go out to the new Nation. Now if you did prefer to stay here the Government said by that 14th article that you might take land here but you must first let the Agent of the Government know that you wanted to stay here and you must do that within six months after this treaty was ratified. The treaty was ratified on the 24th day of September, 1831; within six months from that time you must let the Agent know that you wanted to stay here and become a citizen of the States and take land. Then, after you had done that you would be entitled to a reservation of one section of 640 acres of land to be bounded by sectional lines of survey and for each child in your family over ten years of age on the 27th day of September, 1830, the day the treaty was made, you would be entitled to one half as much as your own reservation, or 320 acres of land. For each child in your family on the 27th day of September, 1830, who was under ten years of age, you would be entitled to 160 acres of land. The reservations for your children would necessarily join your reservation and these reservations must include your improvement as it existed on the 27th day of September, 1830, or a portion of it. Now after a reservation was made, if you lived on that land for five years from February 24th, 1831, intending to become a citizen of the States, in that case a grant in fee simple should, under the provisions of the treaty, issue; that is, the Government would convey the title to this land to you and it would be yours to dispose of at your own pleasure. The last clause of that 14th article is as follows:-- "Persons claiming under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity." The Choctaw annuity is money paid to the Indians, Choctaws in the Territory, each year by the Government, under treaty provisions; in case a Choctaw stayed here in Mississippi and took land under article 14 of the treaty, would not cause him to lose the privilege of a Choctaw citizen but if you ever removed to a new country you would not be entitled to any portion of the Choctaw annuity.

Q Now do you understand that 14th article? A Yes.

Q Did any of your ancestors, by ancestors I mean forefathers or as you Choctaws term it "old folks", ever comply or attempt to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek? A I don't know.

Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? That is--did they have a piece of land here with a few acres in cultivation and a house or building on it? A I don't know.

Q Did any of them live here at that time? A I don't know.

Q Were any of them recognized members of the Choctaw Tribe here at that time? A I don't know.

Q Did any of them remove from the old Choctaw Nation here in Mis-

Hugh Bell---5

Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A I don't know.

Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here in Mississippi and become citizens of the States and take land? A I don't know.

Q Did any of them ever claim or receive any land here in Mississippi from the Government under article 14 of the treaty of Dancing Rabbit Creek? A I don't know.

Q Did any of them ever claim or receive any land here in Mississippi from the Government under any other article of that treaty or under the supplement to the treaty? A If they did, I don't know anything about it.

Q So far as you know, then, none of your ancestors ever received any land here in Mississippi from the Government? A I don't know.

Q None of them ever received any money? A Never heard if they did or not.

Q Were any of your ancestors ever recognized members of the Choctaw Tribe of Indians? A I don't know.

Q Did any of them ever receive any benefits as such? A Not as I knew of.

Q Did any of them ever live in Indian Territory? A No sir.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this Agent failed to register and report to the Government the names of many Choctaws who did in fact let him know that they wanted to stay here and become citizens and take land. On this account the Government at its public land sales here in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under article 14 of the treaty of Dancing Rabbit Creek. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed an act which was approved on the 3rd day of March, 1837, providing for the appointment of a Commission whose duty it should be to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. This Commission was duly appointed by the President of the United States and the Commissioners came down here to Mississippi and heard a few of these Choctaw cases but in the time allowed them by the act of Congress under which they were appointed and a later act of Congress which was approved the 22nd day of February, 1838, providing for the continuance of this Commission, they were unable to

Hugh Bell---6

dispose of but a comparatively small number of cases. It therefore became necessary for Congress to make further provision by which the remainder of these Indians might be given hearings. So another act was passed which was approved on the 23rd day of August, 1842, providing for the appointment of another Commission to come down here to Mississippi and finish up the hearing of these cases. This Commission was duly appointed by the President of the United States and the Commissioners came down here to Mississippi and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before either of these Commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A I don't know.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to select, in lieu thereof, land elsewhere in Mississippi, or in Alabama, Louisiana or Arkansas, from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any of this scrip from the United States Government under this act of Congress? A I don't know.

Q Did you ever see or hear of any deed or patent issued to any of your ancestors covering land here in Mississippi received from the Government? A No sir.

Q Do you know of any old persons living besides your mother and grand mother who would be able to testify as to the amount of Choctaw blood possessed by you? A No, I don't know of no-one else.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No.

Q Have you any witnesses here today? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before the Commission at Meridian, Mississippi, between January 15th and February 15th next, at any one of the appointments of the Commission elsewhere in Mississippi this Winter or within a reasonable time at the general office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q What are the names of your half brothers who are living? A Annis.

Q About how old is he? A I think he is about ten years old.

Q What is the name of the other half brother? A David.

Hugh Bell---7

Q About how old is he? A About six years old.
Q What is the name of your half sister? A Winna.
Q About how old is she? A Thirteen years old, I think.
Q Are these three half brothers and sisters? A Yes sir.
Q Is their father living? A Yes.
Q What is his name? A Sim Tubbee.
Q Where does he live? A He lives about a mile north of Center in Leake County.
Q He and your mother are separated now? A Yes.
Q Is he a full blood Choctaw? A Yes.
Q How long did he and your mother live together? A About three or four years I think.
Q He is the father of all three of these children, is he? A Yes.
Q Is that all of your half brothers or half sisters living? A Yes.
Q Do these three children live with your mother? A Yes sir.
Q Has your mother a daughter named Janie? A No sir.
Q Are any of your father's brothers or sisters living? A I think there is but I don't know.
Q Do you know their names? A One is named Febie.
Q What is her husband's name? A He is dead.
Q What was his name? A Stribling, I think.
Q Where does Febie live? A I speot about four miles from Fish.
Q Was Stribling her last husband? A I think so.
Q Is she a full blood Choctaw-Febie? A Yes.
Q Was Stribling a full blood? A Yes.
Q What is the name of your father's other sister? A I don't know.
Q Where does she live? A About three or four miles from Franks.
Q Is she married? A Yes.
Q What is her husband's name? A Sampson.
Q Sampson Tubbee? A I reckon so.
Q Is he a full blood? A Yes.
Q Is her name Caroline? A I believe it is.
Q She is the mother of Will and Dick Tubbee, isn't she? A Yes.
Q Has your father any other sisters living? A Not as I know of.
Q Or any brothers living? A Not as I know of.
Q Has he any brothers or sisters dead who left children? A Not as I know of.
Q Has your mother any brothers or sisters living? A She got one brother living, aint got no sisters.
Q What is her brother's name? A John Wakin.
Q Where does he live? A Close to Franks.
Q Is he a full blood Choctaw? A His father was a full blood; he is a half brother of my mother.
Q Did they have the same father? A No, their mothers were the same and they had different fathers.
Q Has your mother any brothers or sisters dead? A She got one brother dead.
Q What was his name? A Mann Howard, I think.
Q Did he leave children? A Yes.
Q Are they living now? A Yes, two of them.
Q With whom do they live? A I cant tell you where they live.
Q You don't know where they are now? A No sir.
Q Was he a full brother of your mother? A No.
Q Was he by the same mother? A Yes.
Q Did they have the same father? A Yes sir.
Q What are the names of these two children that this man Howard left?
A Bob and Sanders.

Hugh Bell---8

Q About how old is Bob? A I cant tell you.
Q Is he grown? A Yes.
Q Is he as old as you are? A He is as old as I am.
Q About how old is Sanders? A I don't know.
Q Is he of age? A I don't know whether he is or not.
Q Do they go by the name of Bob and Sanders Barcus? A Yes.
Q Your mother has no other brothers dead, has she? A No sir.
Q Or any sisters dead? A No sir.

This applicant has the appearance of being possessed of as much Indian blood as is claimed by him, although he is not sufficiently familiar with the amount of Choctaw blood possessed by his ancestors to enable the Commission to determine definitely how much Choctaw blood the applicant possesses. He speaks and understands the Choctaw language fairly well and also speaks and understands English. His habits and customs are those of a Choctaw and he associates almost entirely with the Choctaws.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Edinburg, Mississippi, January 10th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 15th day of January, 1902, at Meridian, Mississippi,

L. P. Maschly
Clerk U.S. Circuit Court, Southern
District of Mississippi.

By *[Signature]* Deputy .

COPY. M.C.R. 4512

Muskogee, Indian Territory, September 16, 1904.

Hugh Bell,

Fish, Mississippi.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on September 16, 1904, rendered its decision refusing your application for identification as a Mississippi Choctaw.

You are further advised that you will be allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Jams Bixby.

Chairman.

Registered.

M.C.R. 4512

COPY.

Muskogee, Indian Territory, February 10, 1905.

Hugh Bell,

Fish, Mississippi,

Dear Sir:

You are hereby notified that on the 31st day of January, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing your application for identification as a Mississippi Choctaw, included in the consolidated case of Scott Bell et al., of which decision you were advised by registered mail on the 16th day of September 1904.

Respectfully,

SIGNED

James Birby

Chairman.

For Identification as a Mississippi Choctaw.

Edinburg, Miss

JAN 10 1902

Date

Name Hugh Bell

Age 27

Blood $\frac{7}{8}$

Post Office, Fish, Miss

Father: Scott Bell (fb.) L

Mother: Meely " (3/4) L

Claims through both parents.

(Claims for self only.)

Children:

Father of Meely = Barens f.b.d.
Mother of " = Ann Howard (1/2)

Stenographer

J. A. Niles

Choctaw MCR 4513

Simon Hinson

See MCR 1985

MCR 4513

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----oOo-----

In the matter of the application of Simon Hinson, et
al., for identification as Mississippi
Choctaws, M C R 4513.

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DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Simon Hinson, et al.,
for identification as Mississippi Choctaws, M C R 4513.

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-----: I N D E X :-----

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Original application of Simon Hinson et al., for identification as Mississippi Choctaws,-----	Page 1
Decision of the Commission identifying the above applicants,-----	8

4513

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Edinburg, Mississippi, January 10th, 1902.

In the matter of the application of Simon Hinson for the identification of himself and his wife Nancy as Mississippi Choctaws.

Said Simon Hinson, being first duly sworn, testified as follows:-
(Oscar Billey, official interpreter).

Examination by the Commission.

- Q What is your name? A Simon Hinson.
Q How old are you? A Nineteen.
✓ Q How much Choctaw blood have you? A Full blood.
Q What is your postoffice address? A Trapp.
Q Neshoba County, Mississippi? A Yes.
Q How long have you lived in Neshoba County? A All my life.
✓ Q Is your father living? A No.
✓ Q What is his name? A Hinson.
Q Has he any other name? A That's all I ever heard.
Q Did you ever hear it was Isom Henson? A That was my grandfather's name.
Q Did Hinson have a Choctaw name? A I don't know.
Q How long has he been dead? A I don't know, I reckon about fifteen years.
Q Did he live in Mississippi all his life? A Yes.
✓ Q Was he a full blood Choctaw? A Yes.
Q About how old do you think he would be if he were living now?
A I don't know, I don't have any idea how old he would be.
✓ Q What is the name of his father? A Isom Hinson.
Q Is he living? A No.
✓ Q Was he a full blood Choctaw? A Yes.
Q Always lived in Mississippi? A Yes.
Q How long has he been dead? A I don't know when he died. Never did see him.
Q How old would he be if he were living now? A I don't know.
Q Have you any idea? A No.
Q Do you know the name of his father or mother? A No.
✓ Q Is your mother living? A Yes.
✓ Q What is her name? A Sophia Willis.
✓ Q Is she a full blood Choctaw? A Yes.
Q Has she always lived in Mississippi? A Yes.
Q About how old is she? A About forty.
Q Has she a Choctaw name? A No.
Q Is she the Sophia Willis who appeared here before the Commission the early part of this week? A Yes.
✓ Q Is her father living? A Yes.
Q What is his name? A Jim Isaac.
✓ Q Is he a full blood Choctaw? A Yes.
Q Where does he live? A Near Hope in Neshoba County.
Q Has he always lived in Mississippi? A Yes.
Q Has he a Choctaw name? A Yes.
Q What is it? A Tin-sha.
✓ Q Is your mother's mother living? A Yes.
Q What is her name? A Mary.
Q Does she live with Jim? A Yes.
✓ Q Is she a full blood Choctaw? A Yes.
Q Has she a Choctaw name? A I don't know.
Q Do you know the name of either of Jim's parents? A No, I don't
- 1

Simon Hinson et al---2

know.

- Q Or either of Mary's parents? A No.
- ✓ Q As far as you know have all of your ancestors been full blood Choctaws? A Yes.
- Q Have they always lived in Mississippi? A Yes.
- Q Are you married? A Yes.
- ✓ Q What is your wife's name? A Nancy.
- Q Are you living with her at this time? A Yes.
- ✓ Q Is she a full blood Choctaw? A Yes.
- Q Do you want to make application for her? A Yes.
- Q How old is she? A Twenty-three.
- Q Were you married to her under a license or according to Choctaw custom? A Choctaw custom.
- Q How long have you been living with her? A Nearly a year.
- Q Have you any children living? A No.
- Q This application, then, is for yourself and wife only? A Yes.
- Q Has your wife always lived in Mississippi? A Yes.
- Q Has she ever been married before? A No.
- Q Have you ever been married before? A No.
- ✓ Q Is your wife's father living? A No.
- ✓ Q What was his name? A Philip.
- Q Did he have any other name? A I don't know.
- ✓ Q Was he a full blood Choctaw? A Yes.
- Q Always lived in Mississippi? A Yes.
- Q About how old would he be if he were living now? A I don't know, I reckon about fifty.
- Q How long has he been dead? A Five or six years.
- Q Do you know the name of his father? A No.
- Q Or the name of his mother? A I don't know.
- ✓ Q Is your wife's mother living? A No.
- Q What was her name? A I don't know.
- Q Did you ever see her? A No.
- ✓ Q Was she a full blood Choctaw? A I suppose so.
- ✓ Q Did you ever hear anyone say whether she was or not? A Yes.
- ✓ Q You heard that she was a full blood Choctaw? A Yes.
- Q Who did you ever hear say that? A My grandmother, Mary Isaac.
- Q Do you know the name of either of your wife's mother's parents? A No, I don't know.
- ✓ Q So far as you know have all of your wife's ancestors been full blood Choctaws? A Yes.
- Q Have all of them always lived in Mississippi? A Yes.
- Q Is your name or your wife's name to be found upon any of the Choctaw Tribal rolls in Indian Territory? A I don't know.
- Q Did you ever make application to the Choctaw Tribal authorities in Indian Territory for yourself or wife to be admitted or enrolled as members of that Tribe? A No.
- Q Did you or did anyone for you or your wife or anyone for her in the year 1896 make application to this Commission for citizenship in the Choctaw Nation under the act of Congress approved June 10, 1896? A No, I don't know.
- Q Has any application been made for either of you before today? A Yes, application was made for me at Philadelphia.

The records of the Commission show that on the 31st day of January, 1899, application was made to the Commission at Philadelphia, Mississippi, for the identification of this

Simon Hinson et al---3

applicant as a Mississippi Choctaw, his name appearing upon Mississippi Choctaw card Field No. 229, also upon page 64 of the schedule, being No. 786 thereon; that on the 4th day of February, 1899, application was made to the Commission for the identification of the wife of the applicant as a Mississippi Choctaw, her name appearing upon Mississippi Choctaw card field No. 334, also upon page 80 of the schedule of Mississippi Choctaws annexed to the report of the Commission to the Five Civilized Tribes to the Secretary of the Interior of March, 10, 1899, as to the identity of Choctaw Indians claiming rights in the Choctaw lands in Indian Territory under article 14 of the treaty of Dancing Rabbit Creek, being number 1184 thereon as Nancy Philip.

Q Are these applications made for you and your wife in 1899 the only applications of any kind that have ever been made for either of you? A Yes.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory, for yourself and wife, under article 14 of the treaty of Dancing Rabbit Creek? A Yes.

Q Do you understand article 14 of the treaty of Dancing Rabbit Creek? A No.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw Tribe of Indians. At the time this treaty was made ~~xxxx~~ the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River part of which is now occupied by the greater portion of the Choctaw Tribe of Indians and is commonly known as the Choctaw Nation Indian Territory. At the time the treaty was made some of the Choctaws were unwilling to move from the country occupied by them here in Mississippi and Alabama to the new country west of the Mississippi River and for the benefit of those who preferred to stay here what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who desired to stay here in Mississippi might receive land here in Mississippi from the Government. That 14th article is as follows:-

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and ~~and~~ forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they

Simon Hinson et al---4

reside upon said lands intending to become citizens of the States, for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservations shall include the present improvement of the head of the family or a portion of it. Persons claiming under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you understand that 14th article now? A Yes.

Q Did any of your ancestors or any of your wife's ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under the 14th article? A Never did hear whether they did or not.

Q Did any of them own an improvement here at that time? A I don't know.

Q Were any of them living here at that time? A I don't know.

Q Were any of them recognized members of the Choctaw Tribe here at that time? A I don't know.

Q Did any of them remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A I don't know.

Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here in Mississippi and become citizens of the States and take land? A I don't know.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A I don't know.

Q Did any of them ever claim or receive any land here in Mississippi from the Government under any other article, of that treaty or under the supplement to that treaty? A I don't know.

Q Did any of them ever claim or receive any land here in Mississippi from the Government? A No.

Q Or any money from the Government? A Never heard of it if they did.

Q Were any of your ancestors or any of your wife's ancestors ever recognized members of the Choctaw Tribe of Indians? A I don't know.

Q Did any of them ever receive any benefits as such? A I don't know.

Q Did any of them ever live in Indian Territory? A I don't know.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here in Mississippi and become citizens of the States and take land. The records of the Government show that this Agent failed to register and report to the Government the names of many Choctaws who did in fact let him know that they wanted to stay here and take land and on this account the Government at its public land sales here in Mississippi

Simon Hinson et al---5

in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under article 14 of the treaty of Dancing Rabbit Creek. This caused a great deal of complaint among the Choctaws and the matter was finally brought to the attention of Congress and Congress passed an act which was approved on the 3rd day of March, 1837, providing for the appointment of a Commission to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. This Commission was duly appointed by the President of the United States and the Commissioners came down here to Mississippi and heard a few of these Choctaw cases, but in the time allowed them by the act of Congress under which they were appointed and a later act of Congress which was approved the 22nd day of February, 1838, providing for the continuance of the Commission, they were unable to dispose of but a comparatively small number of these cases. It therefore became necessary for Congress to make further provision whereby the remainder of these Indians might be given hearings; so another act was passed which was approved the 23rd day of August, 1842, providing for the appointment of another Commission to come down here and finish up the hearing of these cases. This Commission was duly appointed by the President of the United States and the Commissioners came down here to Mississippi and heard a great many more of these Choctaw cases.

Q Did any of your ancestors or any of your wife's ancestors appear before either of these Commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A I don't know whether they did or not.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to select in lieu thereof, land elsewhere in Mississippi, or in Alabama, Louisiana or Arkansas, from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors or any of your wife's ancestors ever receive any of this scrip from the Government of the United States under this act of Congress? A I don't know.

Q Did you ever see or hear of any deed or patent issued to any of your ancestors or any of your wife's ancestors covering land here in Mississippi received from the Government of the United States?

A No, never did see or hear of such a paper.

Q Do you know of any old person living who would likely know whether any of your ancestors or any of your wife's ancestors ever complied or attempted to comply with the provisions of article 14 of the

Simon Hinson et al---6

treaty of Dancing Rabbit Creek or ever received any benefits there-
under? A I don't know of anyone.

Q Have you any witnesses here today? A No.

If you should find any witnesses whose testimony you de-
sire to have taken before the Commission they may appear
before the Commission at Meridian, Mississippi, between
January 15th and February 15th, next, or ~~at~~ any other
appointment of the Commission here in Mississippi this
Winter or within a reasonable time at the general office
of the Commission in Muskogee, Indian Territory, and their
testimony will be taken.

Q Have you any full brothers or sisters living? A Yes one brother
but no sister.

Q What is his name? A Watson Hinson.

Q Have you any full brothers or sisters dead? A No.

Q Have you any half brothers or sisters living? A Yes.

Q How many? A Six.

Q What are their names? A Spink, Keen, Finis, Cora, Harmin and
Beona.

Q What is the name of the father of these children? A Johnson
Willis.

Q Have you any half brothers or sisters dead? A Yes.

Q How many? A Two.

Q Are they both younger than you? A Yes.

Q Has your wife any full brothers living? A No.

Q Has she any full brothers dead? A No.

Q Has she any full sisters living? A Yes.

Q How many? A Two.

Q What are their names? A Mary Wallace, the wife of Jim Wallace.

Q What is the name of the other? A Lissie Stribling, the wife of
Buddy Stribling.

Q Has your wife any full sisters dead? A Yes, two dead.

Q Did either of them leave children? A Yes, one of them did.

Q Are any of those children living now? A Yes.

Q How many? A One.

Q What is that child's name? A Innis.

Q Boy or girl? A Boy.

Q About how old is he? A Two years old.

Q With whom does he live? A With his father.

Q What is the name of his father? A John Dixon, lives near Union.

Q What is the name of the mother of this child? A Emma.

Q Is John Dixon a full blood Choctaw? A Yes.

Q Has your wife any half brothers living? A Yes, one.

Q What is his name? A Dave Philip.

Q Has she any half sisters living? A Yes, one.

Q What is the name? A Hasey Philip.

Q Has she any half brothers or half sisters dead? A No.

Q Are any of your father's brothers or sisters or any of their
children living? A Yes.

Q How many? A One brother living.

Q What is his name? A Wilson Isom, lives here in Leake County.

Q Has your father any other brothers living? A No.

Q Has he any sisters living? A I don't know.

Simon Hinson et al---7

Q Has he any brothers or sisters dead who left children? A I don't know.
Q Has your mother any brothers or sisters living? A Yes.
Q How many brothers? A Four.
Q What are their names? A Wilson Jim Isaac, Adam Jim, Dixon Jim and Steve Jim.
Q Has she any brothers dead? A I don't know.
Q Has she any sisters living? A Yes.
Q How many? A One.
Q What is the name? A Nancy Wait.
Q Has your mother any sisters dead? A I don't know.
Q Has your wife's father any brothers or sisters living? A I don't know.
Q Has he any brothers or sisters dead who left children? A I don't know.
Q Has your wife's mother any brothers or sisters living? A I don't know.
Q Has she any brothers or sisters dead who left children? A I don't know.

This applicant is the son of a daughter of Jim Isaac who appeared before the Commission at Edinburg, Mississippi, on the 6th day of this month and made application for the identification of himself and his wife Mary as Mississippi Choctaws. Special reference is hereby made in this application to the testimony of said Jim Isaac in the matter of his application for identification as a Mississippi Choctaw.

The applicant has the appearance of being a full blood Indian. He speaks and understands the Choctaw language and very little English, the examination having been conducted almost entirely through a sworn Choctaw interpreter.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Edinburg, Mississippi, January 10th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 15th day of January, 1902, at Meridian, Mississippi.

L. B. Morely
Clerk U.S. Circuit Court, Southern District of Mississippi.

By *Maxie* Deputy.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----oOo-----

In the matter of the application of Simon Hinson, et al.,
for identification as Mississippi Choctaws, M C R 4513.

-----: D E C I S I O N :-----

It appears from the record herein that application for
identification as Mississippi Choctaws was made to this Commission
on January 10, 1902, by Simon Hinson, for himself, and his wife,
Nancy Hinson, under the following provision of the act of Congress
approved June 28, 1898, (30 Stats., 495):

"Said Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw
lands under article fourteen of the treaty between the United
States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, and to that end may
administer oaths, examine witnesses, and perform all other acts
necessary thereto and make report to the Secretary of the
Interior."

From the evidence submitted in support of said application
it appears that both the applicants are full-blood Mississippi Choctaw
Indians.

Section forty-one of the act of Congress entitled "An Act
To ratify and confirm an agreement with the Choctaw and Chickasaw
tribes of Indians, and for other purposes," approved July 1, 1902,
(32 Stats., 641), and ratified by the Choctaw and Chickasaw Nations
September 25, 1902, provides as follows:

"The application of no person for identification as a
Mississippi Choctaw shall be received by said Commission after
six months subsequent to the date of the final ratification of
this agreement and in the disposition of such applications all
full-blood Mississippi Choctaw Indians and the descendants of
any Mississippi Choctaw Indians whether of full or mixed blood
who received a patent to land under the said fourteenth article
of the said treaty of eighteen hundred and thirty who had not

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moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is, therefore, the opinion of this Commission that Simon Hinson and Nancy Hinson should be identified as Mississippi Choctaws, and it is so ordered.


COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.

Commissioner.


Commissioner.

Muskogee, Indian Territory,


COMMISSIONER.

APR 11 1903

COPY.

W C R 4513

Muskogee, Indian Territory, April 11, 1903.

Hansfield, McMurtry & Carnahan,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered April 11, 1903, identifying Simon Hinson and his wife Nancy Hinson as Mississippi Choctaw Indians under the provisions of the forty-first section of the act of Congress approved July 1, 1902 (32 Stat., 841).

You are hereby advised that you will be allowed fifteen days from the date hereof, in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Simon Hinson and his wife as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein.

If you fail to file such protest within the time allowed, the names of the applicants herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

Registered.

W C R 4513.

SIGNED, *Jane Bixby.*

Chairman.

COPY

M.C.R. 4513

Muskogee, Indian Territory, April 27, 1903.

Simon Hinson,
Tipp, Mississippi.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered April 11, 1903, identifying yourself and your wife, Nancy Hinson, as Mississippi Choctaw Indians under the provisions of article 41 of the Act of Congress approved July 1, 1902, (32 Stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before October 11, 1903, you will have six months from that date, or until April 11, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

SIGNED

Tamr Bixby.
Chairman.

Registered.

Enc. 4513.

Miss. Choctaw
4513; 4874.

Muskogee, Indian Territory, August 22, 1903.

E. F. Neal,

Durwood, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of August 14, asking the status of the claims of Malissa Stribling and her husband, Bud Stribling, and Nancy Philip or Hinson and her husband Salmon Hinson.

In reply to your letter you are informed that it appears from our records that Simon Hinson and his wife, Nancy Hinson, who is the daughter of Philip, have been identified by this Commission as full blood Mississippi Choctaws on April 11, 1903.

It further appears from our records that Buddy Stribling is an applicant to this Commission for the identification of himself and his wife, Malissa Stribling, as Mississippi Choctaws, but no decision has yet been reached relative to their right to such identification.

Respectfully,

Commissioner in Charge.

#1625

No. 4513

For Identification as a Mississippi Choctaw.

Edinburg, Miss.

Date

JAN 10 1902

Name

Simon Hinson

Age

19

Blood

Full

Post Office,

Trapp, Miss.

Father:

Hinson

Mother:

Sophia Willis

Claims through

Both parents.

Wife.

Nancy Hinson

(yull) 23

Father - Philip -

Mother - don't know -

(Claims for self & wife.)

Children:

(See Miss. Choctaw card filed

No. 229 as to Simon.

No. 334 as to Lissie.)

Father of Hinson - Isom Hinson

Mother " Sophia - Jim Isaac (Tin Chad)

Mother " Mary "

Stenographer

J. L. Miles

Choctaw MCR 4514

George W. Fletcher

See MCR 4515, 4516, 4517, 4518
5001, 5010, 5245, 5244, 5517, 5518
5608, 5519, 5521, 5522, 5523, 5504

MCR 4514

Sub

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of George W. Fletcher,
et al., for identification as Mississippi Choctaws, consolidating
the applications of:

George W. Fletcher, et al.,	N.C.R.	4814
Thomas J. Fletcher, et al.,	"	4816
Mary H. McKee, et al.,	"	4818
Florence McKee, et al.,	"	5010
Arrie Rogers, et al.,	"	5001
Fanny Fletcher,	"	4817
Susan Fletcher,	"	4819
Fanny Leonard, et al.,	"	5244
Annie Skellenger, et al.,	"	5517
Margaret Partain, et al.,	"	5518
Frank Leonard,	"	5608
Othelia Taylor, et al.,	"	5519
Jehnnie Hatten, et al.,	"	5521
Leora Blackman, et al.,	"	5522
Eddie Harris, et al.,	"	5523
Jehn Perry Linney, et al.,	"	5564
Louisa Lane, et al.,	"	5245.

List of papers forwarded to the Secretary of the Interior
with the record in the above case, together with the page occupied
by each in said record.

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Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, January 15, 1902.

#4514.

In the matter of the application of George W. Fletcher
for the identification of himself and his two minor children, Leonie
and Clara Fletcher, as Mississippi Choctaws.

Applicant not represented by Attorney.

George W. Fletcher, being first duly sworn, upon his
oath testifies as follows:

Examination by the Commission.

- Q What is your name? A I am a little hard of hearing.
Q What is your name? A George W. Fletcher.
Q What? A George W. Fletcher. F-l-e-t-c-h-e-r .
Q What is your age? A I am fifty-seven past.
Q What is your post office address? A Healdton.
Q What? A Healdton, Chickasaw Nation.
Q How do you spell that? A H-e-a-l-d-t-o-n .
Q Is that right? A Yes sir.
Q H-e-a-l-e-t-o-n ? A H-e-a-l-d- .
Q H-e-a-l-d-t-o-n , Indian Territory? A Yes sir.
Q How long have you lived there? A I have lived there seven year.
Q Where were you born? A I was born in the Choctaw Nation.
Q Have you always lived in the Indian Territory? A No sir.
Q Whereabouts in the Choctaw Nation were you born? A Something----
I can't tell you exactly-----about old Oakville.
Q How long did you live in the Indian Territory before you went out
of it? A Well, I was very small. I can't hardly tell.
Q Where did you go? A Went to Texas with my parents.
Q How long have you lived in the state of Texas? A Well, I have
lived there off and on till-----all the time till I come here
seven years ago.
Q Then you have lived in the Territory and Texas have you? A Yes
sir.
Q Altogether? A Yes sir.
Q Is your father living? A Sir?
Q Is your father living? A No sir, he died when I was very small.
Q What was his name? A His name was James Fletcher.
Q Is your mother living? A No sir, she died when I was small.
Q What was her name? A Her name was Elizabeth Hoggard.

(2).

Q Elizabeth what? A Fletcher.
Q Through which parent do you claim Choctaw blood? A My mother.
Q How much do you claim? A One-eighth.
Q Has your mother ever been recognized in any way or enrolled-----I don't know-----as a member of the Choctaw Tribe of Indians-----I don't know-----by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A I don't know.
Q Are you married? A Yes sir.
Q What is your wife's name? A My wife's name was Susan Guerrin.
Q Is she dead? A No sir, She's living.
Q Well, her name is Susan Fletcher, isn't it? A Susan Fletcher now. It was, I say.
Q She is living? A Yes sir.
Q She is a white woman? A White woman.
Q You don't claim any Choctaw blood for her? A No sir.
Q Have you any children under twenty-one years of age and unmarried that you want to make application for? A Two.
Q What is the name of the oldest? A The oldest is Lee-----Leonie.
Q Leonie? A Leonie.
Q Girl? A Girl.
Q L-e-e-n-i-e Fletcher? A Yes sir.
Q How old is Leonie? A Twenty.
Q The next? A Clara.
Q What? A Clara.
Q C-l-a-r-a ? A Yes sir.
Q How old is Clara? A Eighteen.
Q You make application for yourself and these two children? A Yes sir.
Q Is Susan Fletcher the mother of these two children? A Yes sir.
Q When and where were you married to your wife, Susan? A In Men-tague County, Texas.
Q Do you remember the date? A It was something about the 27th of January, 1865.
Q Were you married by a minister under a license? A Yes sir.
Q Have you your marriage license and certificate with you? A I havn't. The Court House was burned up and the marriage record was destroyed.

Reasonable time will be allowed this applicant in which to prove the marriage of his father and mother if he desires.

A I have done got that license.
Q You have that license have you? A Yes sir.
Q Have that with you? A Yes sir.
Q Where are they? A Here's one.
Q That is your own marriage; I mean your father and mother's marriage? A No sir, I havn't them.
Q You haven't that? A No sir.
Q Do you think you could introduce the testimony of the marriage of your father and mother if given reasonable time? A No sir, I don't know as I could.
Q Time will be allowed for that purpose if you are able to do so. Is your name of the name of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A My name is-----the name of my fore-parents.
Q Is your name on any of the tribal rolls of the Choctaw Nation? A My name isn't as I knew of.

(3).

Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children, to the Choctaw tribal authorities in the Indian Territory? A In '66 I appeared before the-----in '96, I appeared before the Committee.

Q The Dawes Commission? A Well, no sir, the Choctaw Commission.

Q You appeared before the Choctaw Commission? A Yes sir, and the Choctaw Commission said they wasn't authorized to hear my case.

Q Have you ever made application for yourself and children to be enrolled as citizens of the Choctaw Nation to the Choctaw tribal authorities? A That's what I was getting at. They said no authority to hear the case. That was in '96 in October.

Q What place? A At Caddo. Then in '97 I went to the Council.

Q The Choctaw Council? A The Choctaw Council. They appointed a citizenship committee and abolished it and I couldn't get my case before them.

Q And are those the only two times that you attempted to appear before the Choctaw tribal authorities? A That's the only times.

Q Now did you ever make application for citizenship for yourself and children to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A I made out my petition.

Q In 1896? A In 1896. Got up the proof.

Q To the Dawes Commission now, I am speaking of? A Yes sir, and the lawyer, William Harkins was to file these papers with the Commission and he said that he kept them and couldn't file them.

Q So that you never did have them filed, and you never did get before the Commission in 1896? A Never got before it.

Q Have you attempted to become enrolled as a Choctaw citizen, or have you made application for identification as a Mississippi Choctaw to the Dawes Commission at any other time? A One time went to Durant.

Q What was that date? A That was the 17th of August

Q What year? A What?

Q What year? A Two years ago last August.

Q Two years ago last August? A Yes sir.

Q That would be in 1899? A Yes sir.

Q 1899-----did you appear before Commissioner McKennon at that time? A Yes sir, at Durant.

Q At Durant? A Yes sir, at Durant.

Q And what was done with that application? A I do not know. He taken a short statement and that is the last that I have heard of it.

Q He asked you your name and address did he not? A Yes sir.

Q And age? A Yes sir, age.

Q And if you claimed to be a Choctaw Indian? A Yes sir.

Q Did he ask you if you were on any of the rolls of the Choctaw Nation? A Yes sir.

Q And you answered not that you knowed of? A Not as I know of.

Q Did he ask you if your father and mother had been enrolled as Choctaw Indians? A No sir, not as I recollect. I don't think he did.

Q Didn't he ask you if your father and mother had been on the rolls of the Choctaw Nation in the Indian Territory? A I don't know.

Q Do you remember what action was taken in that case? A No sir, I don't know what action was taken.

Q Do you remember what statement was made to you by Commissioner McKennon, at that time? A I can't recollect as he made any statement now.

Q Don't you remember that he said that he had no right to enroll

(4).

you? A Well, he did, yes sir. Said he had no right to enroll me.

The records in the possession of the Commission show that this applicant, George Fletcher, as his name was then given, appeared before the Commission to the Five Civilized Tribes, at Durant, Indian Territory, Commissioner McKennon conducting the examination, and there made application for enrollment as a Choctaw citizen, and that at that time, Commissioner McKennon said to this applicant:

"You not being on the rolls we have no right to enroll you, and therefore refuse the enrollment of this applicant."

A copy of the record of said proceedings is herewith filed with this application, marked Exhibit "A" and made a part of the records in this case, together with a copy of the correspondence relating to said matter marked Exhibit "B". Reference is also made to Field Card Number R-92, in the case of George Fletcher.

- Q Do you now come before the Commission to be identified as a Mississippi Choctaw-----Yes sir-----claiming your right for yourself and children under Article XIV of the Treaty of 1830? A I don't know the Treaty of 1830.
- Q Do you understand what a Treaty is? A Well, I suppose a treaty is an agreement between two parties.
- Q It is between two Nations? A Yes sir.
- Q Two or more Nations, rather? A I ain't got no education.
- Q An agreement in writing made between people is called an agreement or contract in writing, but when it is made between Nations they call it a Treaty. Such a Treaty as that was made between the United States Government and the Choctaw Indians at a place called Dancing Rabbit Creek in Mississippi on the 27th day of September, 1830. The object of that Treaty at that time, was to remove all of the Choctaw Indians who lived in Mississippi and Alabama, from the Choctaw Nation in the old Choctaw Nation to the Choctaw Nation Indian Territory. Before the Treaty was signed it became known that a good many Choctaw Indians wouldn't go to the Choctaw Nation, Indian Territory, and in order to protect their interests Article XIV was put into the Treaty. That Article reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter

(3).

section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Did any of your Choctaw ancestors comply or attempt to comply with any of the provisions of that Article of that Treaty? A Yes sir, I-----
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A James Fletcher, known as Captain James Fletcher.
- Q Captain James Fletcher? A Yes sir.
- Q Did he live in Mississippi or Alabama? A Mississippi.
- Q Did he live in Mississippi in 1830? A Yes sir.
- Q Did he have a family there at that time? A He had a family.
- Q You say he attempted to comply with the provisions of Article XIV? A I say that's my teachings.
- Q What? A That's my teachings.
- Q What did he do to comply? Do you know? A He moved here one of the first that come, about 1836.
- Q Well before that what did he do in Mississippi? Did he go to the United States Indian Agent, Colonel Ward, within six months from the ratification of the Treaty and tell him he wanted to stay in Mississippi and take land there? A I don't know nothing about that.
- Q Did he own any improvements on land in Mississippi or Alabama in 1830? A In Mississippi he owned improvements.
- Q Where did he get them? Did he buy them? A I do not know. No, I can't tell you that.
- Q Did he get them from the Government or did he get any land I mean from the Government? A No the Volume shows that he got three hundred and twenty acres.
- Q What's that? A The seventh Volume shows he got three hundred and twenty acres of land for his office.
- Q The seventh volume of what? A That's all I could tell you.
- Q What relation is Captain James Fletcher to you-----or was he to you? A My great-grandfather.
- Q Did he go with the other Indians from the old Choctaw Nation to the Choctaw Nation Indian Territory between 1833 and 1838? A Yes sir.
- Q In what year did he go to the Choctaw Nation Indian Territory? A '36 is my understanding.
- Q In 1836? A Yes sir.
- Q With whom did he go, do you know? A Well, with his family and I can't tell you, with a great bunch of them is the way I have been taught.
- Q Did he receive land in Mississippi from the Government of the United States as a Choctaw Indian under Article XIV? A I don't know of any only that three hundred and twenty that was spoken of.
- Q Three hundred and twenty? A Yes sir, donated to his office.

(6).

- Q Was your grandfather, Captain James Fletcher, the same Captain Fletcher whose name appears on page 9b, Volume VII, of the American State Papers, as a beneficiary under Article XIX of the Treaty of 1830? A Yes sir.
- Q Did he have a family of children at that time in Mississippi? A Yes sir.
- Q Do you know how many he had in his family? A There was seven.
- Q What? A Seven, I believe.
- Q He had seven. How many acres of land did he receive as shown by the record quoted? A It states he had twelve acres in cultivation.
- Q And you say seven in the family? A Seven in the Family. Seven children, fourteen in the family.
- Q Well, how did he have fourteen in the family if he had seven children? A Well, that's something I couldn't tell you. That's what the records show.
- Q The record in question from which I am quoting now, shows that Captain James Fletcher had twelve acres of land in cultivation and had thirteen in the family of which three were males over sixteen years of age, and five were females under fifteen years of age. Is that the same ancestor through whom you claim? A The same one. The one I have always been taught.
- Q What proof have you that you are descended from this Captain Fletcher? A I haven't any only just from the records.
- Q What records have you? A Well, family teaching.
- Q Well, that is a matter handed down in the family isn't it? A Yes sir, from my earliest recollection.
- Q You have no papers? A I haven't any papers any more than affidavits.
- Q You have affidavits have you? A Yes sir.
- Q You intend to file them? A I intend to file them.
- Q You claim through which parent your father or mother? A My mother
- Q And her maiden name was what? A Hoggard.
- Q What? A Hoggard.
- Q No no, give the whole name? A Elizabeth Hoggard.
- Q That was her maiden name was it? A Yes sir.
- Q Who did she marry? A She married Fletcher.
- Q That was her name before she married? A Before she married.
- Q And she claimed through which parent, father or mother? A Mother
- Q What was her mother's name? A Sallie.
- Q Sallie what? A Sallie Fletcher
- Q Did she claim through her father? A Yes sir, claimed-----she was Captain James Fletcher's daughter.
- Q Her father was this ancestor through whom you claim? A Yes sir.
- Q How much Choctaw blood did he have? A Three-fourths.
- Q How do you know he had three-fourth's Choctaw blood? A Nothing only by just what I have been taught.
- Q What's that? A Nothing more than what I have been taught.
- Q Who taught you that he had three-fourths Choctaw blood? A Well that's my mother's teachings.
- Q You got it from your mother did you? A Yes sir.
- Q Does the name of Fletcher appear upon any other record in the American State Papers, Volume VII, except upon page 9b? A It appears once as James Fletcher, some other page.
- Q Where does it appear as James Fletcher? Do you know? A Where Tom, do you know? I can't recollect.
- Q What's that? A I can't recollect. My son-----he's got the papers.

(7).

- Q Do you know whether his name appears again as Captain Fletcher upon page 136 of Volume VII of the American State papers? A No sir, I don't know.
- Q What? A I don't know.
- Q As a claimant to whom four hundred and eighty acres of land was allowed? Do you know whether that is your ancestor or not? A Nothing more than by Teachings and testimony.
- Q Well, did you ever hear that your ancestor Captain James Fletcher received four hundred and eighty acres of land? A No sir, I never did.
- Q Did he have any relatives-----any brothers? A Yes sir, he had a brother.
- Q What was that brother's name? A Called him Ben.
- Q What? A Ben, I believe.
- Q Ben? A Yes sir.
- Q Did he have a brother named James or Thomas? A Brother named Thomas.
- Q Do you know that he had a brother named Thomas? A Well nothing more than just teaching.
- Q Well, have you been taught that? A Yes sir.
- Q Did Thomas Fletcher ever receive any land from the Government under the Treaty of 1830? A I can't say whether he did or not. I don't know.
- Q You don't know? A No sir.
- Q You never heard that he did? A No sir, I didn't.
- Q Can you state anything further in regard to-----did you say this was your grandfather, James Fletcher? A My great-grandfather.
- Q In regard to your great-grandfather? A No sir.
- Q Have you any other matters of family history or tradition? A No sir, I can't.
- Q If he ever received any land in Mississippi from the Government what became of it? A I do not know.
- Q Where was it located in Mississippi? A I don't know that.
- Q Is there any evidence or proof of his having held the title to it by deed or patent or in any other way? A I haven't any.
- Q Ever been seen by you or anybody in the family that you know of? A No sir.
- Q Has no certificate ever been issued to him? A Not as I know of.
- Q Did you never hear in the family from any members of it----of your family that he had land in Mississippi and where it was located and what evidence there was of its possession? A No sir.
- Q Did you ever hear that he sold his right? A No sir.
- Q Or bartered or exchanged it in any way? A I have heard that he exchanged, land there for land here.
- Q Did what? Exchanged land there for land here? A For land here, that's all.
- Q What's that? A Exchanged just under the Treaty, the land there for land here.
- Q How did you hear? From whom did you hear that he exchanged the land that he received there for land here in the Indian Territory? A Well, from my uncle.
- Q Well, with whom did he exchange? In what manner did he exchange? A Exchanged with the Government, I guess.
- Q The Government give him a piece of land in the Indian Territory for the land that he had there? A The Government you know swapped land with the Indians here for land there.
- Q Yes, I knew, but did they give him any particular piece of land? A No sir, not as I knew of.

(8).

- Q Well, he didn't swap any land down there for land here any more than as a member of that tribe? A No sir.
- Q Land was surrendered in Mississippi for land in the Choctaw Nation, Indian Territory, that is true of all the Indians, isn't it who came here? A Yes sir.
- Q The Indians who remained in Mississippi in the old Choctaw Nation after the Treaty of 1830 was ratified were required in order to take advantage of Article XIV of that Treaty to go to the United States Indian Agent, Colonel Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States; this they had to do within six months from the ratification of the Treaty. A good many Indians did this whose names are not upon any register made by Colonel Ward. His list, known as Ward's Register, does not contain the names of most of the applicants who appeared before him under Article XIV of the Treaty of 1830. So many complaints were made because of this action of the Government, for it resulted in a good many Indians in Mississippi losing their lands and the improvements they had upon those lands, that Congress appointed a Commission in 1837 and this Commission went to the state of Mississippi and heard claimants under Article XIV of that Treaty. In 1842 another Commission was appointed by Congress for the same purpose and this Commission heard claimants under that article of that Treaty. Did any of your Choctaw ancestors go before the Commission of 1837 or the Commission of 1842-----A I don't know-----and claim benefits under-----A I don't know-----it as beneficiaries under Article XIV? A I don't know.
- Q Did any of your Choctaw ancestors receive any scrip from the Government of the United States which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas to replace the land which had been taken from them by the Government and sold, which they held in Mississippi? A I don't know.
- Q Have any of your relatives been before this Commission to be identified as Mississippi Choctaws? Any of your kinfolks? A Why some.
- Q Can you give the names of any of them? A Appeared in '96.
- Q What's that? A There was some sent their petition in '96.
- Q Were they admitted? A No sir.
- Q Some appeared then in '96 before the Commission? A Yes sir.
- Q But their petitions were rejected? A Was rejected.
- Q Did they ever appeal to the United States Court? A No sir.
- Q Did nothing further? A No sir.
- Q Well now, the question is, have any of your relatives appeared before the Commission to be identified as Mississippi Choctaws have members of the family or any of your kinfolks? A No sir not as I know of.
- Q You are the first then, of your kin people to make this application before the Commission for identification as a Mississippi Choctaw are you? A Yes sir.
- Q Have you any evidence or any documentary proof of any kind that you want to present in support of your application? A Yes sir, I have some affidavits?
- Q Whatever papers you have got I will take.

The affidavit of James B. Guerin presented by applicant received, filed, marked Exhibit "A" and made a part of the record in this case.

(9).

The affidavit of Matsy Paff presented by applicant, received, filed, marked Exhibit "B", and made a part of the record in this case.

The affidavit of Levina King presented by applicant, received, filed, marked Exhibit "C", and made a part of the record in this case.

The affidavit of G. W. Guerin presented by applicant, received, filed, marked exhibit "D" and made a part of the record in this case.

The affidavit of L. H. Wright presented by applicant, received, filed, marked exhibit "E", and made a part of the record in this case.

The affidavit of Mary Davis presented by applicant, received, Filed, marked Exhibit "F" and made a part of the record in this case.

The affidavit of S. D. Lawrence presented by applicant, received, filed, marked exhibit "G" and made a part of the record in this case.

- Q Is there any other evidence you want to present or do you desire to call any witnesses, Mr. Fletcher? A We have no witnesses here.
- Q Do you speak the Choctaw language? A No.
- Q Do you want time to present further testimony or evidence? A We could furnish further.
- Q What's that? A Yes sir, I think we could furnish further evidence.

Reasonable time will be allowed this applicant to present further testimony under the rules of the Commission if this applicant desires to do so.

This applicant has the appearance and physical characteristics of being descended from white parentage. Dark brown hair, sandy moustaches and whiskers, somewhat gray, black eyes. He has no knowledge of the Choctaw language and no knowledge of a compliance on the part of his ancestors with any of the provisions of Article XIV of the Treaty of 1830.

(10).

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on January 15, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of January, 1902.

Subscribed and sworn to before me this 29 day of January, 1902.

Hal Belford
Clare Mitchell Wood

Notary Public.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskegee, Indian Territory, - March 27th, 1902.

In the matter of the applications for identification as
Mississippi Choctaws of

George W. Fletcher, et al.,	M C R 4514
Mary R. McKee, et al.,	M C R 4515
Thomas J. Fletcher, et al.,	M C R 4516
Nancy Fletcher,	M C R 4517
Susan Fletcher,	M C R 4518
Arrie Rogers, et al.,	M C R 5091
Florence McKee, et al.,	M C R 6010

Louvina King, called as a witness in behalf of all of
said applicants, having been first duly sworn, upon her oath
testifies as follows:

Examination by the Commission:

Q What is your name? A Louvina King.
Q What is your age? A I can't tell you my age.
Q About how old do you think you are? A About sixty three as
near as I can get at it.
Q What is your post office address? A Legal.
Q Indian Territory? A Yes sir.
Q How long have you lived there? A I been living there four
years.
Q How long have you lived in Indian Territory? A I born and
raised in it.
Q You are a citizen of the Choctaw Nation? A Yes sir.
Q Citizen by blood? A Yes.
Q Do you know George W. Fletcher? A Yes.
Q Do you know Thomas J. Fletcher? A Yes.
Q Do you know Mary R. McKee? A Yes.
Q Do you know Florence McKee? A Yes, I am not so well ac-
quainted with these younger ones.
Q Do you know Arrie Rogers? A Yes sir.
Q Do you know Nancy Fletcher? A Yes.
Q And Susan Fletcher? A Yes.
Q Are these applicants all related whose names I have read to
you? A Yes sir.
Q George W. Fletcher is the father of all of the other ap-
plicants, is he not? A Yes sir.
Q Tell what you know about George W. Fletcher having Choctaw
blood? A His grandfather just had a quarter white.
Q What was his grandfather's name? A Jim Fletcher.
Q Where did he live? A He lived in Mississippi. He married
there and brought a family out with him.
Q Did you ever live in Mississippi? A No sir, I was born
and raised here after they came out to this country.
Q Your recollection of Jim Fletcher is how far back? A I have
known him ever since I could remember.

Q When do you first remember of seeing him or knowing anything about him? A They used to come and visit with us; they were related to my ma.

Q What relation to your mother was he? A Cousin.

Q Did he have a title? A Jim Fletcher, yes, Mississippi Choctaw.

Q Was he a Judge or a Captain or did he have any title? A He was a captain.

Q Did they call him Captain Jim Fletcher? A Yes sir, he came with the first emigration, and they sent him back after more Choctaws and they called him Captain Fletcher for that.

Q How old was he when you first saw him and knew him? A About thirty five or forty may be.

Q And you were a girl five or six years old? A Yes sir.

Q What do you know of his having lived in Mississippi in 1830? A He came out with ma with the emigration.

Q When did your mother come? A She came with the first Choctaws that moved.

Q Do you know whether that was before or after the treaty of 1830? A I don't know, before I guess.

Q There were no Choctaws who emigrated before the treaty of 1830? A I tell you I don't know when it was; they lived right in the neighborhood with us; and I just heard them talk, but I couldn't tell just when he came; but afterwards he went back after more Choctaws and that is where he got his title Captain.

Q This Captain Jim Fletcher who was the grandfather of George W. Fletcher came to the Choctaw Nation with the other Indians between 1833 and 1838; George Fletcher's mother was old Captain Fletcher's daughter and her name was Sallie.

Q You are sure that Captain Jim Fletcher the grandfather of George W. Fletcher came to the Indian Territory? A Yes sir.

Q Did he live here? A Yes he lived here and died here.

Q Do you know when or where he died? A I know where he died but I don't know when it was.

Q Where was it? A Down here in Kiamichi county. He brought four children from Mississippi, two boys and two girls; one of his daughters, died down here at Boggy Depot; the youngest child he had by his first wife.

Q Was Sallie, the mother of George W. Fletcher, living when Captain Jim Fletcher came from Mississippi? A Yes sir.

Q How old was she at that time? A I am not able to tell you about how old she was.

Q How much older was she than you? A She was a grown woman.

Q Was she married at that time? A Yes sir.

Q What was her husband's name? A She married a white man.

Q She was married when she came from Mississippi? A Yes sir and had two daughters.

Q Then it seems that Captain Jim Fletcher's daughter, Sallie, was living and had a family when they first emigrated from Mississippi after the treaty of 1830 was ratified? A Yes sir, the oldest girl was about ten or twelve years old.

Q Do you know how long Sallie had been married? A No sir.

Q She had how many children? A She had two or three children.

Q What do you know about Captain Jim Fletcher who you say moved from Mississippi to the Choctaw Nation, and from whom you say these applicants are descended having complied with the pre-

visions of article fourteen of the treaty of 1830---Do you know anything about that article of that treaty? A No, I don't know anything about that treaty at all.

Q Do you know whether Captain Jim Fletcher went to the United States Indian Agent Colonel Ward within six months after the ratification of the treaty of 1830 and told him he wanted to stay in Mississippi, take land there and become a citizen of the United States? A I don't know nothing about that?

Q Do you know whether Captain Jim Fletcher received land in Mississippi either under article fourteen or under article nineteen of that treaty? A I don't know nothing about it. All I know is the people after they came here.

Q Do you know anything about Captain Jim Fletcher's daughter Sallie? A Yes sir, I knew her as well as I know my mother.

Q She was a grown woman when you were a child? A Yes sir, we used to visit one another, and every two or three months we would see one another.

Q You know as a matter of fact that Captain Jim Fletcher's daughter was married and had a family of children when she came from Mississippi? A Yes sir, when I got so I knew her she had children; but she was married in Mississippi and I think brought children with her from Mississippi, because she had one older than me.

Q What was Sallie's husband's name? A I don't know.

Q Was he a white man? A I don't know.

Q What was her maiden name? A Sallie Fletcher.

Q Do you know whether Sallie was George W. Fletcher's mother or his grandmother? A Grandmother.

Q You are sure about that? A Yes sir, I am sure about that.

Q Is there any other information that you can give as to the Choctaw descent of the ancestors of George W. Fletcher and his children---anything that you know about them? A I don't know anything about it except Captain Jim Fletcher had a brother Ben who came from Mississippi and died in Kiamich county.

Q Did he have any other brother or sister? A Not as I know of.

Q Ben is the only one you recollect? A He is onely one I see.

Q You couldn't tell me how old Captain Jim Fletcher was when he died? A No sir.

Q His daughter Sallie was how old when she died? A I am not able to tell you.

Q When did Sallie die? A I don't know when, I moved off into the Chickasaw Nation.

Q Can you give the names of the children of Sallie? A One of them named Elizabeth--I never did know their names much--and she married a Fletcher.

Q Do you know his first name the one that Elizabeth married? A No sir, I don't remember.

Q Do you know anything about their children? A Of course I know the children, but they all moved off and I don't know their names; I knew the old grandfathers and mothers better.

Q Have you told all you know about it now? A I have told all I know about it.

(Witness Excused)

H.C. Risteen, having been first duly sworn, upon his oath

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states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled causes on the 27th day of March, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

H. Christeen

Subscribed and sworn to before me this 28th day of March, 1902.

Cara Mitchell Wood

Notary Public.

Commission to the Five Civilized Tribes,

Durant, Indian Territory.

In the enrollment of George Fletcher as a Choctaw; being sworn and examined by Com'r McKennon he testifies as follows:

- Q What is your name? A George Fletcher.
- Q How old are you? A About fifty-five.
- Q You claim to be a Choctaw? A Yes sir.
- Q Are you on any of the rolls of the Choctaw Nation? A No, sir.
- Q Have you ever been? A Not that I know of.
- Q Have your father and mother been on the rolls in the Choctaw Nation here? A Not that I know of.
- Q Where have you been living? A I have been living in the Chickasaw Nation of late.
- Q How long? A I have been living where I live now for five years.
- Q Where did you come from? A From off of Red River, Texas.
- Q When? A It has been five years ago.

Com'r McKennon: You not being on the rolls we have no right to enroll you.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to the above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M. D. Green

COPY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of George W. Fletcher,
et al., for identification as Mississippi Choctaws, consolidating
the applications of:

George W. Fletcher, et al.,	M.C.R. 4514
Thomas J. Fletcher, et al.,	M.C.R. 4516
Mary E. McKee, et al.,	M.C.R. 4518
Florence McKee, et al.,	M.C.R. 5010
Arrie Rogers, et al.,	M.C.R. 5001
Nancy Fletcher	M.C.R. 4517
Susan Fletcher	M.C.R. 4518
Nancy Leonard, et al.,	M.C.R. 5244
Annie Skellenger, et al.,	M.C.R. 5517
Margaret Partain, et al.,	M.C.R. 5518
Frank Leonard	M.C.R. 5508
Othelia Taylor, et al.,	M.C.R. 5519
Johanna Hatten, et al.,	M.C.R. 5521
Leora Blackman, et al.,	M.C.R. 5522
Edie Harris, et al.,	M.C.R. 5523
John Perry Linney, et al.,	M.C.R. 5504
Louisa Lane, et al.,	M.C.R. 5245

-- DECISION --

It appears from the record herein that applications for
identification as Mississippi Choctaws were made to this Commission
by George W. Fletcher for himself and his two minor children Leola

and Clara Fletcher; by Thomas J. Fletcher for himself and his five minor children, Susan, Maggie, Amanda, Jasper T. and Clara Fletcher; by Mary E. McKee for herself and her five minor children, Willie M., James A., Clara I., George W. and Barbara McKee; by Florence McKee for herself and her six minor children, Ella, George, Laura, Edie, Oliver and Mandy McKee; by Arrie Rogers for herself and her three minor children, Gertie, Authur M. and Carrie Rogers; by Nancy Fletcher for herself; by Susan Fletcher for herself; by Nancy Leonard for herself and her four minor children, William, Joseph, Charles and Armie Leonard; by Annie Skellenger for herself and her two minor children, George and Emory Skellenger; by Margaret Partain for herself and her three minor children, Myrtle, Jimmie and Alonso Partain; by Frank Leonard for himself; by Othelia Taylor for herself and her minor child, Maletia Taylor; by George P. Hatten for his five minor children, Johnnie, Pearl, William, Cokw and George Edward Hatten; by Leora Blackman for herself and her five minor children, Johnnie, Jimmie, Altha, Mabry and Albert Blackman; by Edie Harris for herself and her minor child, Dora Harris; by John Perry Linney for himself and his two minor children, Stella and Myrtle May Linney, and by Louisa Lane for herself and her five children, Joseph, Jesse, James, John and Myrtle Lane, under the following provision of the act of Congress approved June 22, 1906 (34 Stat., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make reports to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Captain James Fletcher (or Captain Jim Fletcher or Jim Fletcher), who is alleged to have been a three fourths blood Choctaw Indian, and Nancy Fletcher, who is alleged to have been a full blood Choctaw Indian, both of whom are alleged to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 18, 1898 (30 Stats. 321).

It is found that the name of one James Fletcher appears upon page 88 of Volume VII, American State Papers, Indian Lands, as one of the captains entitled to the additional half section under the nineteenth article of the treaty, who resided in Choctawhatchee District in the territory occupied by the Choctaw Indians in the States of Mississippi and Alabama at the

date of the making of the treaty of "Dancing Rabbit Creek", and had land in cultivation, in exchange for which they were to receive stipulated tracts of land in accordance with the provisions of the nineteenth article of said treaty. It is also found that the name of one Capt. Fletcher appears upon page 95 of the same record in a list of names of Indians owning farms, who resided in Greenwood Leflore's District in the territory occupied by the Choctaw Indians in the states of Mississippi and Alabama at the date of the making of the treaty of "Dancing Rabbit Creek" and had land in cultivation, in exchange for which they were to receive stipulated tracts of land in accordance with the provisions of the nineteenth article of said treaty. It is also found that the name of one Capt. Fletcher appears upon page 136 of said record in a list of claims allowed under the treaty in Greenwood Leflore's District. The record above referred to in no way relates to or shows any compliance or attempted compliance, on the part of the persons therein named, with the provisions of the fourteenth article of the treaty of "Dancing Rabbit Creek".

It does not appear from the testimony and evidence offered in support of said applications or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were

claimants thereunder, that the said Captain James Fletcher (or Captain Jim Fletcher or Jim Fletcher), or Nancy Fletcher, or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats. 130) and August 23, 1842 (5 Stats. 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of George W. Fletcher, Leonie Fletcher, Clara Fletcher, Thomas J. Fletcher, Susan Fletcher, Maggie Fletcher, Amanda Fletcher, Jasper T. Fletcher, Clara Fletcher (2), Mary B. McKee, Willie M. McKee, James A. McKee, Clara I. McKee, George W. McKee, Barbara McKee, Florence McKee, Ella McKee, George McKee, Laura McKee, Eddie McKee, Oliver McKee, Mandy McKee, Arrie Rogers, Gertie Rogers, Arthur M. Rogers, Carrie Rogers, Nancy Fletcher, Susan Fletcher, Nancy Leonard, William Leonard, Joseph Leonard, Charles Leonard, Annie Leonard, Annie Skellenger, George Skellenger, Mary Skellenger, Margaret Partain, Myrtel Partain, Jimmie Partain, Alonso Partain, Frank Leonard, Othelia Taylor, Mafethia Taylor, Johnnie Hatten, Pearl Hatten, William Hatten, Oba Hatten, George Howard Hatten, Leora Blackman, Johnnie Blackman, Jennie Blackman, Alma Blackman, Mary Blackman, Albert Blackman, Eddie Harris, Dora Harris, John Perry Linney, Stella Linney, Myrtle May Linney, Louisa Lane, Joseph Lane, Jesse Lane and Lennon Lane as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED

1819

SIGNAL.

Muskogee, Indian Territory,
FEB 11 1903

M C R 4514
M C R 4516

Muskogee, Indian Territory, January 15, 1903.

U. T. Rexroat,
Healdton, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 3rd inst., in which you ask "is there such an Indian enrolled on the Chickasaw or Choctaw rolls as Geo. W. Fletcher or T. J. Fletcher and did they make personal application to the Dawes Commission in 1902?"

In reply to your letter you are informed that it appears from the records of the Commission that George W. Fletcher, fifty seven years of age, residence Healdton, Indian Territory, and Thomas J. Fletcher, thirty six years of age, residence Chagris, Indian Territory, are applicants for the identification of themselves and minor children as Mississippi Choctaws, having submitted their applications at the Office of the Commission at Muskogee, Indian Territory, January 15, 1903. The Commission has not, up to the present time, reached any opinion or decision in their cases but is now considering their applications and it is probable decisions will be rendered in the near future. The principal applicants will be duly notified of the action of the Commission and

U. L. Rexroat---2

of the forwarding of the record to the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

M C R 4514

Muskogee, Indian Territory, January 28, 1903.

George W. Fletcher,
Medford, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 19th inst., in which you state that you appeared before the Commission in January, 1902, and applied for the enrollment of yourself and child. You ask to be advised relative to your right to hold land; that you purchased a piece of land from a native and desire to know if any other native has a right to dis-possess you any take the land.

In reply to your letter, you are informed that it appears from the records of the Commission that you are an applicant for the identification of yourself and minor children as Mississippi Choctaws. The Commission has not up to the present time reached any opinion or decision relative to your rights to be identified as such Mississippi Choctaws but is now considering your application, and it is probable a decision will be rendered in the near future. You will be notified of the action of the Commission and of the forwarding of the record to the Secretary of the Interior.

At the present time yourself and children occupy the status of applicants for identification as Mississippi Choctaws.

G.W.Fletcher---2

whose right to such identification has in no manner been determined.

relative to your right to hold lands in the Choctaw-Chickasaw country, your attention is invited to the following provisions of the act of Congress approved July 1, 1902, which was ratified by the citizens of the Choctaw and Chickasaw Nations, September 25, 1902:

"All persons duly identified by the Commission to the Five Civilized Tribes under the provisions of section 21 of the act of Congress approved June 28, 1898 (30 Stats., 495), as Mississippi Choctaws entitled to benefits under article 14 of the treaty between the United States and the Choctaw Nation, concluded September 27, 1830, may, at any time within six months after the date of their identification as Mississippi Choctaws by the said Commission, make bona fide settlement within the Choctaw-Chickasaw country, and upon proof of such settlement to such Commission, within one year after the date of their said identification as Mississippi Choctaws shall be enrolled by such Commission as Mississippi Choctaws entitled to allotment as herein provided as to Mississippi Choctaws, and said enrollment shall be final when approved by the Secretary of the Interior."

It is not believed that the benefits of this legislation will in any manner accrue to applicants until duly identified by the Commission as Mississippi Choctaws entitled to allotment and that yourself and children are not at this time entitled to possessory rights to the tribal property of the Choctaw and Chickasaw Nations.

Respectfully,

Acting Chairman.

COPY.

M.C.R. 4514

Muskogee, Indian Territory, February 11, 1903.

George W. Fletcher,
Heraldton, Indian Territory.

Dear Sir:

You are hereby advised that on the 11th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of George W. Fletcher, et al., embracing the following applications for identification as Mississippi Choctaws:

George W. Fletcher, et al.,	M.C.R. 4514
Thomas J. Fletcher, et al.,	M.C.R. 4516
Mary M. McKee, et al.,	M.C.R. 4515
Florence McKee, et al.,	M.C.R. 5010
Arrie Rogers, et al.,	M.C.R. 5001
Nancy Fletcher,	M.C.R. 4517
Susan Fletcher,	M.C.R. 4518
Nancy Leonard, et al.,	M.C.R. 5244
Annis Skellenger, et al.,	M.C.R. 5517
Margaret Partain, et al.,	M.C.R. 5518
Frank Leonard,	M.C.R. 5608
Othelia Taylor, et al.,	M.C.R. 5519
Johnnie Hatten, et al.,	M.C.R. 5521
Leora Blackman, et al.,	M.C.R. 5522
Hattie Harris, et al.,	M.C.R. 5523
John Perry Linney, et al.,	M.C.R. 5504
Louisa Lane, et al.,	M.C.R. 5245

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts

George W. Fletcher, -2

necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of George W. Fletcher, Leonie Fletcher, Clara Fletcher, Thomas J. Fletcher, Susan Fletcher, Maggie Fletcher, Amanda Fletcher, Jasper T. Fletcher, Clara Fletcher (2), Mary E. McKee, Willie M. McKee, James A. McKee, Clara I. McKee, George W. McKee, Barbara McKee, Florence McKee, Ella McKee, George McKee, Laura McKee, Eddie McKee, Oliver McKee, Mandy McKee, Arrie Rogers, Bertie Rogers, Arthur M. Rogers, Carrie Rogers, Nancy Fletcher, Susan Fletcher, Nancy Leonard, William Leonard, Joseph Leonard, Charles Leonard, Annie Leonard, Annie Skellenger, George Skellenger, Emory Skellenger, Margaret Partain, Myrtel Partain, Jimmie Partain, Alonso Partain, Frank Leonard, Othelia Taylor, Maletia Taylor, Johnnie Hatton, Pearl Hatton, William Hatton, Coke Hatton, George Edward Hatton, Leora Blackman, Johnnie Blackman, Jimmie Blackman, Altha Blackman, Mabry Blackman, Albert Blackman, Eddie Harris, Dora Harris, John Perry Linney, Stella Linney, Myrtle May Linney, Louisa Lane, Joseph Lane, Jesse Lane and Lennon Lane as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

Tamie Dixby

Acting Chairman.

Registered.

Muskogee, Indian Territory, February 11, 1903.

Mansfield, McMurray & Cornish,
 Attorneys for the Cheataw and Chickasaw Nations,
 South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 11th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of George W. Fletcher, et al., embracing the following applications for identification as Mississippi

Cheataws:

George W. Fletcher, et al.,	M.C.R. 4514
Thomas J. Fletcher, et al.,	M.C.R. 4516
Mary E. McKee, et al.,	M.C.R. 4518
Florence McKee, et al.,	M.C.R. 5010
Arrie Rogers, et al.,	M.C.R. 5001
Nancy Fletcher,	M.C.R. 4517
Susan Fletcher,	M.C.R. 4518
Nancy Leonard, et al.,	M.C.R. 5244
Annie Challenger, et al.,	M.C.R. 5517
Margaret Partain, et al.,	M.C.R. 5518
Frank Leonard,	M.C.R. 5508
Othelia Taylor, et al.,	M.C.R. 5519
Jehnnie Hatton, et al.,	M.C.R. 5521
Leora Blackman, et al.,	M.C.R. 5522
Eddie Harris, et al.,	M.C.R. 5523
John Perry Linney, et al.,	M.C.R. 5504
Louisa Lane, et al.,	M.C.R. 5245

These applications were made under the provision of the act of Congress of June 26, 1896 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of George W. Fletcher, Leonie Fletcher, Clara Fletcher, Thomas J. Fletcher, Susan Fletcher, Maggie Fletcher, Amanda Fletcher, Jasper T. Fletcher, Clara Fletcher (2), Mary H. McKee, Willie M. McKee, James A. McKee, Clara I. McKee, George W. McKee, Barbara McKee, Florence McKee, Ella McKee, George McKee, Laura McKee, Eddie McKee, Oliver McKee, Mandy McKee, Arrie Rogers, Bertie Rogers, Arthur M. Rogers, Carrie Rogers, Nancy Fletcher, Susan Fletcher, Nancy Leonard, William Leonard, Joseph Leonard, Charles Leonard, Annie Leonard, Annie Skellenger, George Skellenger, Emory Skellenger, Margaret Partain, Myrtel Partain, Jimmie Partain, Alonso Partain, Frank Leonard, Othelia Taylor, Maletia Taylor, Johnnie Hatten, Pearl Hatten, William Hatten, Coke Hatten, George Edward Hatten, Leora Blackman, Johnnie Blackman, Jimmie Blackman, Altha Blackman, Mabry Blackman, Albert Blackman, Eddie Harris, Dora Harris, John Perry Linney, Stella Linney, Myrtle May Linney, Louisa Lane, Joseph Lane, Jesse Lane and Lennon Lane as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

James Birby.
Acting Chairman.

M C R 4514

Muskogee, Indian Territory, February 16, 1903.

G. W. Ridgeway,

Lone Grove, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 10th instant, wherein you ask to be advised if George W. Fletcher, of Healdton, Indian Territory is on the Choctaw or Chickasaw roll.

In reply to your letter you are informed that it appears from the records of the Commission that on January 15, 1902, George W. Fletcher, fifty-seven years of age, residence Healdton, Indian Territory, made application to this Commission for the identification of himself and his two minor children, Leonie and Clara Fletcher, as Mississippi Choctaws.

On February 11, 1903, the Commission rendered its decision refusing his application, and on the same date he was notified by registered mail of the action of the Commission and that he was allowed fifteen days from the date of said decision within which to file arguments in support of his claim to be transmitted to the Secretary of the Interior.

The fifteen days from February 11, 1903, heretofore granted this applicant within which to submit arguments in support of his case, will expire on February 26, 1903. On February 27,

G. W. 2,---2

1903, the record in this case, together with such arguments as may be offered, will be forwarded to the Secretary of the Interior. The applicant will be duly notified of such action as may be taken by him.

Respectfully,

Acting Chairman.

COPY.

Muskogee, Indian Territory, February 27, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of George W. Fletcher, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of February 11, 1903.

The above consolidated case embraces the following original applications heard by the Commission:

George W. Fletcher, et al.	M.C.R. 4514
Thomas J. Fletcher, et al.	M.C.R. 4516
Mary E. McKee, et al.	M.C.R. 4518
Florence McKee, et al.	M.C.R. 5010
Arrie Rogers, et al.	M.C.R. 5001
Nancy Fletcher	M.C.R. 4817
Busan Fletcher	M.C.R. 4518
Nancy Leonard, et al.	M.C.R. 5244
Annie Skellenger, et al.	M.C.R. 5517
Margaret Partain, et al.	M.C.R. 5518
Frank Leonard	M.C.R. 5608
Othelia Taylor, et al.	M.C.R. 5519
Johnnie Hatton, et al.	M.C.R. 5521
Leora Blackman, et al.	M.C.R. 5522
Eddie Harris, et al.	M.C.R. 5523
John Perry Linney, et al.	M.C.R. 5804
Louisa Lane, et al.	M.C.R. 5245

The Commission has the honor to report that the principal applicants in the several separate applications and the attorneys

COPY

Hon. Sec. Int., -2

for the Chocoma and Chikawa Nations have been only advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED)

James Dixby.

Chairman.

Through the
Commissioner of Indian Affairs.

2 inclosures- M.O.R. 4514

M C R 4514

Muskogee, Indian Territory, March 10, 1903.

George W. Fletcher,
Heraldton, Indian Territory.

DEAR SIR:

Receipt is hereby acknowledged of your letter of February 27th, in which you state you haven't the time or means to employ a lawyer to present an argument in the matter of your application for identification as a Mississippi Choctaw.

In reply to your letter you are advised that it appears from our records that on February 11, 1903, the Commission rendered its decision refusing the application made by you for the identification of yourself and minor children as Mississippi Choctaws. You were advised of this decision and that you would be allowed fifteen days within which to present arguments to be forwarded to the Secretary of the Interior.

On February 27, 1903, the record in your case was transmitted to the Department, and you will be duly advised of such action as may be taken in your case.

Respectfully,

Chairman.

(C O P Y)

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DEPARTMENT OF THE INTERIOR.

Office of Indian Affairs,

Washington, July 3, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of the proceedings had before the Commission to the Five Civilized Tribes in the matter of the applications of the following persons for identification as Mississippi Choctaws:

George W. Fletcher for himself and his two minor children, Leonie and Clara Fletcher; Thomas J. Fletcher for himself and his five minor children, Susan, Maggie, Amanda, Jasper T. and Clara Fletcher; Mary M. McKee for herself and her five minor children, Willie M., James A., Clara I., George W. and Barbara McKee, Florence McKee for herself and her six minor children, Ella, George, Laura, Eddie, Oliver and Mandy McKee; Arrie Rogers for herself and her three minor children, Gertie, Arthur M. and Carrie Rogers; Nancy Fletcher for herself; Susan Fletcher, for herself; Nancy Leonard for herself and her four minor children, William Joseph, Charles and Annie Leonard; Annie Skellenger for herself and her two minor children, George and Mary Skellenger; Margaret Partain for herself and

her three minor children, Myrtle, Jimmie and Alonzo Partain; Frank Leonard for himself; Othelia Taylor for herself and her minor child, Malethia Taylor; George P. Hatton for his five minor children, Johnnie, Pearl, William, Coke and George Edward Hatton; by Leora Blackman for herself and her five minor children, Johnnie, Jimmie, Altha, Mabry and Albert Blackman; Eddie Harris for herself and her minor child, Dora Harris; John Perry Linney for himself and his two minor children, Stella and Myrtle May Linney; and Louisa Lane for herself and her five children, Joseph, Jesse, Lennon, John and Myrtle Lane.

On February 11, 1903, the Commission rendered a decision in this case finding that the evidence submitted in behalf of these applicants is insufficient to determine their identity as Mississippi Choctaw Indians entitled to rights to lands in the Choctaw Nation under article 14 of the treaty of 1830, and that their applications for such identification should be refused.

An examination of the record evidence shows that the principal applicant, George W. Fletcher, is 57 years old; that his father's name was James Fletcher, and that his mother's name was Elizabeth Fletcher, nee Hoggard. He claims to have inherited Choctaw blood from both his father and mother, and also claims that his grandfather's name was Captain James Fletcher, who, he says moved to the Indian Territory about 1836. He also states that his grandmother's maiden name on his mother's side was Sallie Fletcher, and it also appears in the evidence that she was related to the same family of which the said Captain James Fletcher was a member.

An examination of the office records shows that there was a Captain James Fletcher, A Mississippi Choctaw Indian who secured land in the State of Mississippi under the 19th article of the treaty of 1830, but there is no record in this office showing that any person by the name of Fletcher complied or attempted to comply with the provisions of article 14 of the treaty of 1830 or secured a patent for land, or scrip in lieu thereof, thereunder; and there is no evidence submitted in the record transmitted herewith by any of the applicants or their witnesses showing that any of their ancestors ever complied or attempted to comply with the provisions of said 14th article, or secured a patent or scrip for land thereunder.

By reason of the premises the office considers the said decision of the Commission correct and recommends that it be affirmed by the Department.

Very Respectfully,

W. A. Jones,
Commissioner.

WUB-2

M C R 4514

Muskogee, Indian Territory, March 11, 1903.

G. W. Ridgeway,

Lone Grove, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 4th instant, in which you state that George W. Fletcher sold you "some places and they wont give possession and wont pay rent," and you ask if he has filed argument in support of his claim.

In reply to your letter you are informed that the fifteen days from February 11, 1903, heretofore granted George W. Fletcher in which to file arguments in support of his claim, expired on February 26, 1903. On February 27, 1903, the record in his case, together with the decision of the Commission refusing the application made by him for the identification of himself and his minor children as Mississippi Choctaws, was forwarded to the Secretary of the Interior. He will be duly notified of such action as may be taken by the Secretary.

It is not believed that George W. Fletcher and his minor children are in any manner entitled to possessory rights of the tribal property of the Choctaw Nation.

Respectfully,

Chairman.

(C O P Y)

D.C.20620

W.C.F.

J.P.

KAF.

ITP.5446-1903.

DEPARTMENT OF THE INTERIOR.

W A S H I N G T O N .

July 28, 1903.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

February 27, 1903, you transmitted the consolidated case involving the applications for identification as Mississippi Choctaws, of George W. Fletcher and his minor children, Leonie and Clara Fletcher; of Thomas J. Fletcher and his minor children, Susan, Maggie, Amanda, Jasper T. and Clara Fletcher; of Mary E. McKee and her minor children, Willie M., James A., Clara I., George W. and Barbara McKee; of Florence McKee and her minor children, Ella, George Laura, Eddie, Oliver and Mandy McKee; of Arrie Rogers and her minor children, Gertie, Arthur M. and Carrie Rogers; of Nancy Fletcher; of Susan Fletcher; of Nancy Leonard and her minor children, William, Joseph, Charles and Ammie Leonard; of Annie Skellenger and her minor children, George and Emery Skellenger; of Margaret Partain and her minor children, Myrtle, Jimmie and Alonso Partain; of Frank Leonard; of Othelia Taylor and her minor child, Malethia Taylor; Of Johnnie, Pearl, William, Coke and George Edward Hatten; of Leora Blackman and her minor children, Johnnie, Jimmie, Altha, Mabry and Albert

Blackman; of Eddie Harris and her minor child, Dora Harris; of John Perry Linney and his minor children, Stella and Myrtle May Linney; and of Louisa Lane and her minor children, Joseph, Jesse, Lennon, John and Myrtle Lane.

The applicants claim rights to Choctaw lands under article 14 of the treaty of 1830, by reason of being descendants of Captain James or Jim Fletcher, who is alleged to have been a three-fourths blood Choctaw Indian, and Nancy Fletcher, who is alleged to have been a full blood Choctaw Indian, both of whom are alleged to have been residents in Mississippi in 1830.

The evidence presented by the record in the case, as well as the records of the Indian Office, fails to show that either of the alleged ancestors of the applicants complied or attempted to comply with article 14 of the treaty of 1830, or with either of the subsequent acts of Congress relating thereto.

Reporting July 3, 1903, the Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed herewith.

The Department finds no reason to disturb your decision, and it is hereby affirmed.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

M.C.R. 4514

COPY:

Muskogee, Indian Territory, August 8, 1903.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 28th day of July, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of George W. Fletcher, et al., of which decision you were advised by mail on the 11th day of February, 1903.

Respectfully,

(SIGNED)

S. H. Hedges
Commissioner in Charge.

M.C.R. 4814

Muskogee, Indian Territory, August 8, 1903.

George W. Fletcher,
Heraldton, Indian Territory.

Dear Sir:

You are hereby notified that on the 28th day of July, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of George W. Fletcher, et al., of which decision you were advised by registered mail on the 11th day of February, 1903.

Respectfully,

I. B. Needles.
Commissioner in Charge.

M C R 4514

Muskogee, Indian Territory, October 26, 1903.

Sedley S. Lowe,

Sterrett, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 17th instant, wherein you ask "Will you please inform me if George Flecher and Jess Flecher name is on the roll as Indians, in the T. if so the whereabouts of the men, or their last known P. O. address?"

In reply you are informed that it appears from our records that on January 15, 1902, at Muskogee, Indian Territory, George W. Fletcher, fifty-seven years of age, post office address Healdton, Indian Territory, made application to this Commission for the identification of himself and his two minor children, Leonie and Clara Fletcher, as Mississippi Choctaws.

On February 11, 1903, the Commission rendered its decision refusing said application, which decision was approved by the Secretary of the Interior on July 28, 1903. The Commission now considers this case closed.

Our records do not show that any person by the name of Jess Flecher is an applicant for enrollment as a citizen or freed-

S S L 2

man of either the Choctaw or Chickasaw Nations or for identification as a Mississippi Choctaw.

Respectfully,

Commissioner in Charge.

MCR 5518

Muskogee, Indian Territory, November 10, 1905.

Nancy Leonard,
Tupelo, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letters of the 27th ultimo, requesting to be furnished the evidence of Richard Colbert, Deliley Colbert, Raichel Colbert and Eaphren Dunford; also the evidence of Richard Colbert in regard to Margaret Partain and her children.

It appears from the records of this office that the affidavits of Richard Colbert, Delia Colbert, Rachel Colbert and Efrom Dunford were filed with and made a part of the record in the consolidated Mississippi Choctaw case of George W. Fletcher, et al., of which your application and that of Margaret Partain is a part.

The record in the consolidated Mississippi Choctaw case of George W. Fletcher, et al., together with the decision of the Commission to the Five Civilized Tribes of February 11, 1903, was forwarded to the Secretary of the Interior on February 27, 1903, through the Commissioner of Indian Affairs.

The Secretary of the Interior on July 28, 1903, approved the decision of said Commission, and the applicants were notified on August 8, 1903, of such Departmental action.

M L 2

If you desire the return of the affidavits in question, it is suggested that you correspond with the Commissioner of Indian Affairs, Washington, D. C.

Respectfully,

Commissioner.

Captain James Fletcher
3/4, D.

↑
TAKEN OF
↓

Sallie Fletcher, D.
married
John R. Haggard

Elizabeth Haggard, D.
married
James Fletcher, D.

George W. Fletcher 57 1/8
married
Susan Guerrin, w.

Note = Some of applicants claim descent from Captain James Fletcher, alone, while others claim through Captain Jim Fletcher and his wife Nancy Fletcher
Note = Reference is made by applicant in mek 4516 to the case of Wm Haggard, et al for citizenship in Choctaw Nation - See Choctaw '96 case #201.

mek 4516
Thomas J. Fletcher, 34 1/2
married
Rhoda Haggard, w.

mek 4515
Mary Elizabeth Fletcher 53 1/16
married
W. R. McKee, w.

mek 5010
Florence Fletcher, 32 1/16
married
Jim McKee, w.

mek 5001
Arrie Fletcher 27. 1/8
married
Albert K Rogers, w.

mek 4579
Nancy Fletcher 27. 1/16

mek 4518
Susan Fletcher, 23 1/16

mek 4514
Leonie Fletcher, 20

" Clara Fletcher, 18.

mek 4516
Susan Fletcher, 10
Maggie Fletcher, 7
Fernanda Fletcher, 5
Joseph T. Fletcher, 3
Clara Fletcher, 1

mek 4575
Willie M. McKee, 9
James A. McKee, 7
Clara J. McKee, 5
George W. McKee, 3
Barbara McKee, 2 m

mek 5008
Calla McKee 11
George McKee 9
Laura McKee 7
Eddie McKee 5
Oliver McKee 2
Mandy McKee 3 m

mek 5000
Gertie Rogers 6
Arthur M. Rogers 3
Carrie Rogers 1 m

Jim Fletcher 3/4 D
info
Nancy Fletcher, free. D.

Parents of

Sallie Fletcher ?
married ?

Nancy ———— Dead
married
George Linney, Dead

not
52nd

Nancy Linney, 48, 7/32
married
John Leonard, w.

Martha Linney, 7/32, D.
married
George P. Hatton, w.

not
55th

Leora Linney, 33,
married

Henry Blackman, w.

not
55th

John P. Linney 30
info
Ronie Linney w.

not
55th

Annie Leonard, 30
married
Gura Skellenger, w.
not
55th

Margaret Leonard 28
married

Henry Partain w.

not
56th

Frank Leonard, 24

not
55th

Othelia Leonard 21
married

Will Taylor, w.

not
52nd

William Leonard 18

Joseph Leonard 16

Charles Leonard 12

Ammie Leonard, 9

not
55th

Johnnie Hatton, 19 7/64

Paul Hatton, 17 "

William Hatton, 14 "

Coke Hatton, 12 "

George Edward Hatton, 9 "

not
55th

Addie Blackman, 17
married

Harvey Harris, w.

not
55th

Johnnie Blackman 14

Jimmie Blackman 9

Altha Blackman 6

Mabry Blackman 4

Albert Blackman 3

not
55th

Stella Linney 5

Myrtle May Linney 2

not
55th

George Skellenger 6

Emery Skellenger 4

not
55th

Myrtle Partain, 12

Jimmie Partain, 10

Along Partain, 7

not
53rd

Malethia Taylor, 3

not
55th

Johnnie Blackman, 17

Harvey Harris, w.

not
55th

Johnnie Blackman 14

Jimmie Blackman 9

Altha Blackman 6

Mabry Blackman 4

Albert Blackman 3

not
55th

Stella Linney 5

Myrtle May Linney 2

not
55th

Johnnie Blackman, 17

Harvey Harris, w.

not
55th

Johnnie Blackman 14

Jimmie Blackman 9

Altha Blackman 6

Mabry Blackman 4

Albert Blackman 3

not
55th

Stella Linney 5

Myrtle May Linney 2

Jim Fletcher, 74 D.
wife
Nancy Fletcher, 60 D.

Sallie Fletcher
married

Nancy _____ D
married
George Linney D

Mich 5
525
Louisa Linney 46 7/32
married
John Lane, W.

Mich
5245
John Lane,
Myrtle Lane

Joseph Lane, 18

Jesse Lane, 12

Lennon Lane 9

REFER TO M. C. R.

4514

George W. Fletcher et al

Consolidated Corp

No. 4514

by nomination as a Mississippi Choctaw.

Date

Nov 15 1902

Name George W. Fletcher

Age 57 - Blood 1/8

Post Office, Healdton, I. T.

Father: James Fletcher, d.

Mother: Elizabeth " d.

Claims through mother
wife.

Susan Fletcher, l. w.
No claim for wife.

Children:

Leonie Fletcher, 20

Clara " 18

Claims for self &
2 children.

Stenographer

Wm. B. Burt

Choctaw MCR 4515

Mary E. McKee

See MCR 4514

MCR 4515

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, Indian Territory, January 18, 1902.

#4515.

In the matter of the application of Mary E. McKee for the identification of herself and her five minor children, Willie M. James A., Clara I., George W., and Barbara McKee as Mississippi Choctaws.

Applicant not represented by Attorney.

Mary E. McKee, being first duly sworn, upon her oath testifies as follows:

Examination by the Commission.

- Q What is your name? A Mary Elizabeth McKee.
Q M-e-K-ee? A Yes sir.
Q What is your age? A Thirty-three.
Q What is your post office address? A Ego.
Q What? A Ego, Choctaw Nation.
Q Indian Territory? A Yes sir.
Q Where were you born? A In Texas.
Q What place in Texas? A Montague County. St Jo, Montague County.
Q How long did you live in Texas? A I do not know how long I did live there.
Q Well, about how many years? One, or twenty? How long? A About twenty-five years, I reckon.
Q Twenty-five? A Yes sir.
Q From Texas, you went where? A To the Chickasaw Nation.
Q Have lived there since? A Yes sir, and in the Choctaw Nation.
Q In the Choctaw and Chickasaw Nations? A Yes sir.
Q But last you lived at Ego? A Yes sir.
Q How long have you lived at Ego? A About six months.
Q And before you lived in Ego where did you live? A In the Chickasaw Nation there close to Ego----close to Healdton.
Q Close to where? A To Healdton.
Q Is your father living? A Yes sir.
Q What is his name? A George W. Fletcher.
Q He has just made application for identification on this date, hasn't he, as a Mississippi Choctaw? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is her name? A Susan Fletcher.
Q You claim your Choctaw blood through which parent? A My father.
Q How much do you claim? A A fourth-----a sixteenth. I was going

(2).

the wrong way.

Q One-sixteenth? A Yes sir.

Q You doubled it instead of halved it? A Yes sir.

Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.

Q When and where were your father and mother married? A I do not know exactly.

Q Do you remember whether they were married by a minister under a license? A Yes sir.

Q Can you produce the proof of their marriage if given time? A Yes sir, I guess I could.

Q Reasonable time will be allowed for that purpose. Are you married? A Yes sir.

Q What is your husband's name? A W. R. McKee.

Q W. R.? A Yes sir.

Q Living? A Yes sir.

Q White man? A Yes sir.

Q Do you make any claim for him as having Choctaw blood? A No sir.

Q Have you any children under twenty-one years of age and unmarried you want to make application for? A Yes sir.

Q Give me the name of the oldest? A Willie M. McKee.

Q What? A Willie M. McKee, a girl.

Q Willie? A Yes sir.

Q A girl you say? A Yes sir.

Q How old is she? A Eight years-----nine years old.

Q Next? A James A. McKee.

Q What's that? A James A. McKee.

Q How old? A Seven years old.

Q Next? A Clara I. McKee.

Q What? A Clara.

Q Cora? A Clara.

Q Clara? A Yes sir.

Q G-l-a-r-a? A Yes sir.

Q Clara I.? A Yes sir.

Q How old? A Four years old-----five years old. I got it wrong.

Q Next? A George W. McKee.

Q How old? A Three years old.

Q Next? A Barbara McKee.

Q B-a-r-b-a-r-a? A Yes sir.

Q Girl? A Yes sir.

Q How old? A Two months old.

Q Five-----is that all? A Yes sir.

Q You claim for yourself and children do you? (No answer).

Q You claim for yourself and children? A Yes sir.

Q Is W. R. McKee the father of these children? A Yes sir.

Q Was he ever married before he married you? A No sir.

Q Or you before you married him? A No sir.

Q Is your name or the name of any of these children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.

Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities in the Indian Territory? A No sir, I have not, only my father is the only one that's made application.

Q When did he make application for you? A He just had our petitions. I don't know whether he ever made applications or not.

(3).

- Q He made application to the Choctaw tribal authorities, he states, in 1896. A Yes sir.
- Q Did he make application at that time for you? A Yes sir, he had our names.
- Q What was done with that application? Do you know? A No sir.
- Q It was refused, wasn't it? His statement under oath before the Commission was that it was refused. A Yes sir.
- Q You heard him make that statement, didn't you? A Yes sir.
- Q He also made application for enrollment to the Dawes Commission in 1896, or rather he gave the matter to a lawyer to attend to and stated in his evidence that it wasn't attended to. Was application made for you at that time by him? A Yes sir.
- Q But it never got to the Commission? A No sir.
- Q With the exception of the applications referred to has any application ever been made by you, either to the Commission to the Five Civilized Tribes, or to the Dawes Commission, either for yourself or children? A No.
- Q None has, has it? A No sir.
- Q What's that? A No sir, I guess-----I don't think there has.
- Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
- Q Do you now come before the Commission for the purpose of being identified and for the identification of your children as Mississippi Choctaws claiming under Article XIV of the Treaty of 1830? A Yes sir.
- Q Do you understand Article XIV of that Treaty? A No sir, I don't.
- Q You don't understand that? A No sir.
- Q The Treaty of 1830 was made between the United States Government and the Choctaw Indians at a place called Dancing Rabbit Creek in Mississippi on the 27th day of September, 1830. Before the Treaty was signed it became known that a good many Choctaw Indians would refuse to go to the Choctaw nation, Indian Territory, and in order to protect their interests Article XIV was put into the Treaty. Article XIV reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Cho-

(4).

taw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You understand that Article now do you? A Yes sir.
- Q Do you know whether any of your ancestors complied or attempted to comply with any of the provisions of that Article of that Treaty? (No answer).
- Q Can you answer the question? (No answer).
- Q Did any of your ancestors, I mean any of your kinfolks, your father, mother, grandfather, grandmother, great-grandfather, great-grandmother, or any of your relatives back in a direct line ever do any of the things stated there in that article of that Treaty? A I don't know whether they have or not.
- Q What's that? A I say I don't hardly know.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Captain James Fletcher.
- Q What's that? A Which, my great-grandfather.
- Q Yes, I think---whoever it was? A Captain James Fletcher.
- Q What? A Captain James Fletcher.
- Q Did he live in Mississippi in 1830 and did he have a family of children there at that time? A Yes sir.
- Q How do you know he lived there at that time? A Because I have always been taught that.
- Q Who taught you? A My father.
- Q Is your father the George W. Fletcher who has on this date appeared to be identified as a Mississippi Choctaw? A Yes sir.
- Q And what you know has been told you by him? A Yes sir.
- Q Did you learn it from any other source except through him? A Nothing but just the witnesses is all.
- Q What witnesses? A The affidavits that we have got.
- Q The affidavits? A Yes sir.
- Q Filed by him? A Yes sir.
- Q How much Choctaw blood did he have-----Captain James Fletcher? A Three-quarters, I reckon.
- Q What? A Three-quarters, I reckon.
- Q How do you know he had three-quarters? (No answer).
- Q State where you heard these things. Of course if you don't know you will have to say you don't know. A My father.
- Q But I want to find out how you do know. A My father.
- Q Your father told you-----George W. Fletcher? A Yes sir.
- Q When did you first hear that you were descended from Captain James Fletcher? A I have been taught that ever since I was a child.
- Q Do you know whether he ever was a beneficiary under Article XIV of the Treaty of 1830? A No sir, I don't know.
- Q Did he within six months after the ratification of the Treaty of 1830 go to the United States Indian Agent, Colonel Ward, and tell him that he wanted to stay in Mississippi, take land there and become a citizen of the United States? A No sir, I do not know.
- Q You never heard that? A No sir, I never have.
- Q Do you know whether he ever received any land in Mississippi or Alabama under Article XIV of the Treaty of 1830? (No answer).
- Q I just want you to state, if you don't know say you don't know. You see we have to hear others, and it takes a lot of time if you don't answer. A Well, I don't know.
- Q Did you ever hear that Captain James Fletcher through whom you claim your Choctaw blood, ever held any land, or had a right to

(5).

claim any land in Mississippi under the Treaty of 1830? (No answer).

- Q Just say whether you know or not. If you don't know you can say you don't know. A I don't know nothing.
- Q Well, you don't know about that, is that it? Is that your answer? A I don't know. I don't know nothing.
- Q Do you know whether your ancestor through whom you claim, whose name you say was Captain James Fletcher, ever received any benefits as a Choctaw Indian from the United States Government under any Treaty made between the United States Government and the Choctaw Indians? A I do not know.
- Q I don't know what you said. A I said I do not know.
- Q Do you know whether your ancestor whom you claim was Captain James Fletcher, received any land from the Government as a beneficiary under Article XIX of the Treaty of 1830, or under the supplement of that Treaty? A I don't know what the Treaty was.
- Q I have already explained the Treaty to you? A I don't know.
- Q I explained the Treaty of 1830 to you? A Yes sir.
- Q And I read Article XIV of that Treaty, do you remember? A I know you did but I have forgot it.
- Q Oh! you have forgotten it! A Yes sir.
- Q Well, you don't know anything about Captain James Fletcher do you? A No sir.
- Q Ir whether he ever received any land from the Government under the Treaty of 1830 or under any other treaty do you? A No sir, I don't.
- Q The Indians who stayed in the old Choctaw Nation in Mississippi and Alabama after the Treaty of 1830 was ratified were required if they wanted to take advantage of the provisions of Article XIV of the Treaty to go to the United States Indian Agent whose name was Colonel Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States. A good many Indians did this whose names Colonel Ward failed to put upon his list known as Ward's Register. His failure to make a proper record of all claimants under that Article of that Treaty caused a good many Indians who held land in Mississippi and Alabama in the old Choctaw nation to lose their land and the improvements which they had upon it. Both were taken by the Government and sold at its public land sales. This caused a great many complaints among the Indians so that in 1837 by an act of Congress that was approved March 3rd of that year, a Commission was appointed which Commission went to Mississippi and heard claimants under Article XIV of the Treaty of Dancing Rabbit Creek and made a list of the names of those claimants that came before it. In 1842 another Commission was appointed by Congress for the same purpose under an act approved August 23rd of that year, and it also heard claimants under Article XIV and made lists of the names of those claimants. Do you know if any of your Choctaw ancestors appeared before either the Commission of 1837 or the Commission of 1842 and claimed benefits under Article XIV of that Treaty? A No sir, I do not.
- Q The act of Congress approved August 23rd, 1842, provided that if any Choctaw Indian proved his claim under Article XIV, if it also appeared that he had had his land taken from him by the Government in Mississippi and sold-----land in Mississippi taken from him by the Government and sold, that he should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant Government land, and that a certificate to that effect should be given to him. These certificates were called scrip. Did any of your Choctaw ancestors receive any such scrip

(6).

- from the Government as Choctaw Indians? A I do not know.
- Q Have you had any relatives who have appeared before this Commission except your father, George W. Fletcher, for identification as Mississippi Choctaws? A No sir.
- Q He is the only relative you have had come here to be identified? A Yes sir. I don't know whether my aunt applied or not in 1898. She sent up her petition I think.
- Q What is her name? A Ann-----Ann Rawley, I reckon.
- Q You don't know whether she has made application to be identified as a Mississippi Choctaw do you? A No sir, I do not know.
- Q Do you want to have the testimony taken and the records made in your father's case, the case of George W. Fletcher, Number 4514, considered with yours in order that you may get the benefit of what he has testified to? A Yes sir.
- Q Have you any evidence or proof of any kind that you want to present now in support of this application? A None but just what my father's got.
- Q Would you like reasonable time in which to file proper evidence in this case? A Yes sir.

Reasonable time will be allowed this applicant for introducing further proof in this case if presented in conformity with the rules of this Commission.

- Q Do you speak the Choctaw language? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; dark complexion, brown eyes, dark brown hair. She has no knowledge of the Choctaw language, and no knowledge of a compliance on the part of her ancestors with any of the provisions of Article XIV of the Treaty of 1830.

-----:-----

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on January 15, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of January, 1902.

Subscribed and sworn to before me this *29* day of January, 1902.

Hal Belford
Charles Mitchell Wood
Notary Public.

Mississippi Choctaw
4514, 4515, 4517,
4518, 5001, 5010.

Muskogee, Indian Territory, May 4, 1908.

Thomas J. Fletcher,
Chagris, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of May 2,
inclosing the following evidence for filing in support of applica-
tions for identification as Mississippi Choctaws:

Six affidavits each of Fatsy Poff, William Hoggard and
L. V. Wright to be filed in support of the applications of Susan
Fletcher, Mary E. McKee, et al., Nancy Fletcher, Thomas J. Fletcher,
et al., Arrie Rogers et al., Florence McKee, et al. for identifica-
tion as Mississippi Choctaws, and the same have been filed with and
made a part of the records in the above named cases.

You are advised that the Commission cannot take up and pass
upon the sufficiency of the evidence offered in support of applica-
tions until the same are reached for consideration and determination.

Yours truly,

Commissioner in Charge.

COPY.

M.C.R. 4515

Muskogee, Indian Territory, February 11, 1903.

Mary E. McKee,

Ego, Indian Territory.

Dear Madam:

You are hereby advised that on the 11th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of George W. Fletcher, et al., embracing the following applications for identification as Mississippi Choctaws:

George W. Fletcher, et al.,	M.C.R. 4514
Thomas J. Fletcher, et al.,	M.C.R. 4516
Mary E. McKee, et al.,	M.C.R. 4515
Florence McKee, et al.,	M.C.R. 5010
Arrie Rogers, et al.,	M.C.R. 5001
Nancy Fletcher,	M.C.R. 4517
Susan Fletcher,	M.C.R. 4518
Nancy Leonard, et al.,	M.C.R. 5244
Annie Shullenger, et al.,	M.C.R. 5517
Margaret Partain, et al.,	M.C.R. 5518
Frank Leonard,	M.C.R. 5508
Othelia Taylor, et al.,	M.C.R. 5519
Johmie Hatton, et al.,	M.C.R. 5521
Leora Blackman, et al.,	M.C.R. 5522
Eddie Harris, et al.,	M.C.R. 5523
John Perry Limsey, et al.,	M.C.R. 5504
Louisa Lane, et al.,	M.C.R. 5245

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United

Mary E. McKee, -2

States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of George W. Fletcher, Leonie Fletcher, Clara Fletcher, Thomas J. Fletcher, Susan Fletcher, Maggie Fletcher, Amanda Fletcher, Jasper T. Fletcher, Clara Fletcher (2), Mary E. McKee, Willie M. McKee, James A. McKee, Clara I. McKee, George W. McKee, Barbara McKee, Florence McKee, Ella McKee, George McKee, Laura McKee, Eddie McKee, Oliver McKee, Nandy McKee, Arrie Rogers, Gertie Rogers, Arthur M. Rogers, Carrie Rogers, Nancy Fletcher, Susan Fletcher, Nancy Leonard, William Leonard, Joseph Leonard, Charles Leonard, Annie Leonard, Annie Skellenger, George Skellenger, Emory Skellenger, Margaret Partain, Myrtel Partain, Jimmie Partain, Alonso Partain, Frank Leonard, Othelia Taylor, Malothia Taylor, Johnnie Hatten, Pearl Hatton, William Hatten, Coke Hatton, George Edward Hatton, Leora Blackman, Johnnie Blackman, Jimmie Blackman, Altha Blackman, Mabry Blackman, Albert Blackman, Eddie Harris, Dora Harris, John Perry Linney, Stella Linney, Myrtle May Linney, Louisa Lane, Joseph Lane, Jesse Lane and Lennox Lane as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Lennie Linney
Acting Chairman.

Registered.

M.C.R. 4818

Muskogee, Indian Territory, August 8, 1903.

Mary E. McKee.

Ego, Indian Territory.

Dear Madam:

You are hereby notified that on the 28th day of July, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of George W. Fletcher, et al., of which decision you were advised by registered mail on the 11th day of February, 1903.

Respectfully,

SIGNED)

T. B. Needles.

Commissioner in Charge.

No. 1515

For Identification as a Mississippi Choctaw.

Date JAN 15 1902

Name Mary E. Mc Kee.

Age 33 — Blood 1/16

Post Office, Ego, I.T.

Father: George W. Fletcher, l.

Mother: Susan " l.

Claims through father
husband
W. R. Mc Kee, l. w.
No claim for husband

Children: Willie M. Mc Kee (F.) 9
James A. " 7
Clara J. " 5
George W. " 3
Barbara " F. 2 m

Claims for self &
children

Engraver Lee B. Belford

Choctaw MCR 4516

Thomas J. Fletcher

See MCR 4514

MCR 4516

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, January 15, 1902.

#4516.

In the matter of the application of Thomas J. Fletcher
for the identification of himself and his five minor children, Susan,
Amanda, Jasper T., Maggie and Clara Fletcher as Mississippi Choctaws.

Applicant not represented by Attorney.

Thomas J. Fletcher, being first duly sworn, upon his
oath testifies as follows:

Examination by the Commission.

- Q What is your name? A T. J. Fletcher.
Q What does the T. stand for? A It's for Thomas.
Q J.? A Yes sir.
Q What is your age? A Thirty-six.
Q What is your post office address? A Chagris, Indian Territory.
Q What's that? A Chagris, Indian Territory.
Q How do you spell that? A C-h-a-g-r-i-s .
Q How long have you lived there? A Lived there seven years.
Q Where did you live before that? A I lived in Texas.
Q What place in Texas? A Near Saint Jo.
Q How long did you live there? A Well, I was there the biggest
part of the time. Part of the time in the Territory and part of
the time in Texas.
Q About how long in the Territory? A About-----I didn't under-
stand the last question.
Q About how long there? A In Texas?
Q No. A At Chagris?
Q At that place? A Seven years.
Q Have you always lived in Texas or the Territory? A Yes sir.
Q Born in Texas? A Yes sir.
Q What place in Texas? A Near Saint Jo, Texas.
Q What is your father's name? A George W. Fletcher.
Q Has he just made application has he not on the above date for
identification as a Mississippi Choctaw before the Commission?
A Yes sir.
Q Is your mother living? A Yes sir.
Q What is her name? A Susan Fletcher.
Q You claim through which parent, father or mother? A Father.

(2).

- Q How much Choctaw blood do you claim? A One-sixteenth?
- Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.
- Q When and where were your father and mother married? A In Montague County, Texas.
- Q Do you remember the date? A About January 27th, 1865.
- Q Have you the proof of their marriage with you? A I have a witness.
- Q Your father you mean? A Yes sir.
- Q Are you married? A Yes sir.
- Q What is your wife's name? A Rhoda Fletcher.
- Q R-h-o-d-a . She is living? A Yes sir.
- Q Has she any Choctaw blood? A No sir.
- Q White woman? A Yes sir.
- Q You don't make any claim then for her? A No sir, I don't make any claim for her.
- Q Have you any children under twenty-one years of age and unmarried you want to make application for? A Yes sir.
- Q What is the name of the oldest? A Susan Fletcher.
- Q How old is Susan? A She's ten years old.
- Q Next? A Maggie Fletcher.
- Q Maggie? A Yes sir.
- Q How old is Maggie? A Seven.
- Q Next? A Mandy.
- Q M-a-n-d-y ? A Yes sir.
- Q Or is it Amanda? A It's Amanda, the proper name is.
- Q Amanda. How old is she? A Five.
- Q Any others? A Jasper.
- Q Jasper? A T. Fletcher.
- Q How old is he? A Three years old.
- Q Three? A Yes sir.
- Q Any others? A Clara.
- Q What is that last? A Clara.
- Q Clara? A Yes sir.
- Q How old is she? A One year.
- Q You claim for these children and yourself do you? A Yes sir.
- Q Are you the father of all of them? A Yes sir.
- Q Were you ever married before you married her? A No sir.
- Q Is Rhoda Fletcher the mother of these children? A Yes sir.
- Q Was she ever married before she married you? A No sir.
- Q When and where were you married to your wife? A Saint Jo, Montague County, Texas.
- Q What date? A In 1890.
- Q What's that? A In 18 and 90.
- Q Do you remember the exact day? A January 26th.
- Q Were you married by a minister under a license? A Yes sir.
- Q Have you the marriage license and certificate with you? Would you like to present that? A No sir, I haven't got them with me.

Reasonable time will be allowed this applicant to present proof of his marriage to his wife.

- Q Is your name or the name of any of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory?
- A No sir.

(3).

- Q Have you ever made application for yourself and children for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A My name was put in the petition that was got up to send to the Dawes Commission that W. M. Harkins didn't send.
- Q The attorney? A Yes sir.
- Q Then your name never did in fact get before the Commission at that time did it? A No sir, it did not.
- Q Has application ever been made for you or your children either to the Choctaw tribal authorities or to the Dawes Commission for citizenship or enrollment or identification as a Mississippi Choctaw? A No sir.
- Q Have you ever been placed upon the rolls of the Choctaw Nation with the names of your children-----A No sir-----either by the Choctaw tribal authorities, the United States authorities, or the United States Court in Indian Territory? A No sir.
- Q This is the first application that has been made for you and your children is it? A This is the first application that I have made.
- Q Well, this is the first application that has been made? That other application didn't get to the Commission in 1896? A No sir. There was application made at Caddo in 1896.
- Q Well, do you know whether your name was included in that? A Yes sir, my name was included in that.
- Q Was that the application that has been referred to here by your father, George W. Fletcher? A Yes sir.
- Q That application made by your father at that time you say was at Caddo? A Yes sir.
- Q Do you know anything about any application that was made by your father at Durant? A Yes sir.
- Q An application was made at Caddo to the Choctaw tribal authorities was it not? A Yes sir.
- Q Well, did you hear him testify that no action was taken in that matter? A Yes sir.
- Q Is that your understanding? A Yes sir.
- Q In that application made by your father at Durant, your name wasn't included was it? A No sir.
- Q Do you now come before the Commission to be identified as a Mississippi Choctaw, for yourself and children, claiming under Article XIV of the Treaty of 1830? A Yes sir.
- Q Do you understand that Article of that Treaty? A Yes sir.
- Q Do you care to have it explained further? A I don't think it necessary to explain it further.
- Q I won't explain it, I will just read it to you:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent, within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living at the time of the ratification of this Treaty; and a quarter

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section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Did any of your ancestors comply with the provisions of that article of that Treaty that you know of? A Not that I know of.
- Q Who do you claim to be descended from? A Captain James Fletcher.
- Q Through whom you get your Mississippi Choctaw blood? A Captain James Fletcher.
- Q What relation to you was he? A My great-great-grandfather.
- Q You claim through your father, George W. Fletcher? A Yes sir.
- Q How old is he-----he has been before the Commission today? A Yes sir.
- Q He claims through whom, his father or mother? A Mother.
- Q What was her maiden name? A Elizabeth Hoggard.
- Q How do you spell her last name? A H-o-g-g-a-r-d.
- Q What was her mother's maiden name? A Sallie Fletcher.
- Q And Sallie Fletcher's father was whom? A Captain James Fletcher.
- Q Now what proof have you of this question that you are lineally descended from Captain James Fletcher? A I have nothing only family History.
- Q And through whom did you get that family history? A Through my parents.
- Q Well, you mean then, through your father and mother? A yes sir and other relatives.
- Q Now is it a matter of family history and tradition that Captain James Fletcher had any Choctaw blood? A Yes sir.
- Q How much did he have? A Three quarters.
- Q You have always heard that have you? A Yes sir.
- Q Did he live in Mississippi or Alabama? A He lived in Mississippi.
- Q Was he born in Mississippi? A Captain James?
- Q Yes? A I do not know.
- Q When and where did he die? A He died in the Choctaw Nation.
- Q When did he leave Mississippi to go to the Choctaw Nation Indian Territory? A 1836. '35 or '36, somewhere along there.
- Q When did he die in the Choctaw Nation? A I do not know.
- Q Under what circumstances did he remove from Mississippi to the Choctaw Nation, Indian Territory? Did he come with other Indians at the expense of the Government? A He came as a captain of the town in which he lived. He brought the other Indians with him.
- Q Captain of the town in which he lived? A Yes sir.
- Q Where? A In Mississippi.
- Q Captain of the town? A yes sir.
- Q I don't exactly know what you mean by that? A Well, he was a soldier. He was the leader. I have been informed the reason he was called Captain he was appointed captain to bring the people that lived in his town to the Choctaw Nation.
- Q Well now, how do you get that fact. What is the basis, what is the best evidence you can give that that is so? A Well, the old Indians has told me.
- Q Who told you now? Give me the names. A E. D. Lawrence for one.

(5).

- Q S. D. Lawrence? A Yes sir.
- Q He's an Indian is he? A Yes sir.
- Q Where did he live? A He lived in Owl.
- Q Where? A Owl.
- Q O-w-l? A Yes sir, Choctaw Nation.
- Q Indian Territory? A Indian Territory.
- Q Did he use to live in Mississippi? A Yes sir.
- Q Did he come from Mississippi to the Indian Territory at the time Captain James Fletcher came? A If he did he was very small.
- Q Is he living now? A Yes sir.
- Q How old is he now? A I do not know his age.
- Q Now what other sources of information have you that that is so? A Why, I believe that's all I could name that I know positively.
- Q Did his daughter-----I think you said his daughter's name was Sallie? A Yes sir.
- Q Did she ever live in Mississippi? A Yes sir.
- Q Did she live there in 1830 with her father? A Yessir.
- Q Is she living now? A No sir.
- Q When did she die? A About fifty years ago.
- Q How old was she when she died? A Let's see-----I made a mistake there-----you are speaking of Sallie.
- Q Sallie. A Speaking of my father's mother?
- Q Well, I am speaking of your ancestor's daughter-----Captain James Fletcher's daughter. That's Sallie isn't it? A Yes sir, that's right. I made a mistake though in answering.
- Q Well now what is your answer to the question? A I don't know when she died. It's been some forty or fifty years ago since she died. She died in the Choctaw Nation.
- Q She died after your father had removed here? A Yes sir.
- Q I mean your ancestor, Captain James Fletcher? A Yes sir.
- Q Not your father. How old was she when she died? A I do not know.
- Q That was in 18-----you say 1837 or 1838, somewhere along there. you don't know how old she was? A No sir.
- Q Now have you any proof that this Captain James Fletcher whom you say was your great-great-grandfather and who lived in Mississippi in 1830 and who afterwards removed about the year 1836 to the Indian Territory, was a beneficiary as a Choctaw Indian under any portion of the Treaty of 1830? A No sir, not to my knowledge.
- Q Have you any knowledge in regard to that matter, or information? A No sir.
- Q There is the name of a Captain Fletcher on page 136 of Volume VII of the American State papers and also the name of Captain Fletcher upon page 95 of the same volume of the American State Papers, who appears to be a beneficiary under Article XIX of the Treaty of 1830. Do you know whether that Captain Fletcher is the Captain James Fletcher through whom you claim your Choctaw blood. A Yes sir.
- Q What information or proof have you that they are the same person, that they are one and the same person? A It is only hearsay.
- Q Did you get this information from your father-----A Yes sir-----George W. Fletcher? A Yes sir, in part.
- Q In part-----now in part from who else or from what other source? A I have been told it by my connection, has generally told me.
- Q Any sources whatever. I don't care what information you give so long as you give any if you have any? A Well, I have an uncle, William Heggard.
- Q William H-e-g-g-a-r-d? A Yes sir.

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- Q Well, does he claim to be descended from this same ancestor Captain James Fletcher? A Yes sir.
- Q He told you so did he? A Yes sir.
- Q Where does he live? A He lives at Okra.
- Q Indian Territory? A Indian Territory.
- Q How old is he now? A He's eighty something, I don't know exactly what.
- Q Has he a family, a grown family? A Yes sir.
- Q Has he or any of his family ever made application to be identified as Mississippi Choctaws? A He made application before the Commission in 1896?
- Q Did their application get before the Commission in 1896? A I am informed that it did.
- Q Do you know what action was taken in reference to it? A It was rejected I think.
- Q Did they take an appeal to the United States Court? A They did not.
- Q They dropped the matter then and there did they? A Yes sir.
- Q And haven't since made application to the Dawes Commission or the Choctaw tribal authorities? A Haven't since to my knowledge.
- Q Now do you know whether your ancestor, Captain James Fletcher complied in any way or attempted to comply with the provisions of Article XIV of the Treaty of Dancing Rabbit Creek? A No sir, I don't know.
- Q You understand that provision of Article XIV don't you? I did read it to you? A Yes sir.
- Q Do you know whether any of your Choctaw ancestors went to Colonel Ward, the United States Indian Agent, within six months after the ratification of the Treaty of 1830 and told him that they wanted to stay in Mississippi, take land there and become citizens of the United States? A No sir, I do not know that they did.
- Q You never did hear that Captain James Fletcher or your ancestor ever was a beneficiary under Article XIV of that Treaty? A No sir, no more than stated in my father's statement.
- Q Well, the best information that you have is that he appears to be a beneficiary under Article XIX of that Treaty? A Yes sir.
- Q And you have given the best information that you possess in reference to the fact that Captain James Fletcher, your great-great-grandfather, is the Captain Fletcher whose name appeared upon pages 95 and 136 of Volume VII of the American State Papers? A Yes sir.
- Q Do you know whether your ancestors any of them received any benefits as Choctaw Indians under any other treaty than the treaty of 1830 made between the United States Government and the Choctaw Indians? A No sir, I do not.
- Q Did any of your Choctaw ancestors own or claim any improvements on land in Mississippi or Alabama in 1830? A Not to my knowledge.
- Q Don't know whether Captain James Fletcher your ancestor held any land in Mississippi? A Nothing more than what I am-----.
- Q Well, you never heard any more except that his name was on that list as a beneficiary under Article XIX? A No sir, I haven't heard it.
- Q The Indians who remained in Mississippi and Alabama in the old Choctaw Nation in 1830, refusing to go to the Choctaw Nation, Indian Territory with the other Indians were required, if they wished to take advantage of the provisions of Article XIV of the Treaty of 1830, to go to the United States Indian Agent whose name was

(7).

Colonel Ward, and tell him that they wanted to stay in Mississippi take land there and become citizens of the United States. A good many Choctaw Indians did this whose names Colonel Ward failed to put upon his list made by him. Ward's Register contains the names of only seventy-one heads of families out of the total number of Indians who went to him within six months from the ratification of the Treaty of 1830, and made their declarations under Article XIV of that Treaty. At least six thousand Indians stayed back in the old Choctaw Nation and a good many of them went to Ward, but he failed to make any record of their applications under that Article. This neglect of his caused a good many Indians who held land in Mississippi and Alabama to lose both their land and the improvements they had upon it. Both were taken from them by the Government and sold. This caused so many complaints among the Choctaw Indians, especially among those who had lost their lands, that Congress in 1837 appointed a Commission. This Commission went to Mississippi and heard claimants under Article XIV of the Treaty of 1830 and made a list of their names. In 1842 Congress appointed another Commission for the same purpose by an act approved August 23 of that year, and this Commission went to Mississippi and heard claimants under that Article of that Treaty. Did you ever hear that Captain James Fletcher or any of your Choctaw ancestors appeared before either of these two Commissions claiming benefits under Article XIV of the Treaty of 1830? A No sir, I do not know.

- Q Did any of your Choctaw ancestors appear before either of these two Commissions to your knowledge? A No sir.
- Q Did any of your Choctaw ancestors receive any scrip from the Government of the United States as Choctaw Indians which entitled them to select land either in Mississippi, Louisiana, Alabama or Arkansas, to replace land which they had held in Mississippi and which the Government had taken from them and sold? A No sir.
- Q Is George W. Fletcher who has on this date appeared to be identified as a Mississippi Choctaw your father? A Yes sir.
- Q Is Mary E. McKee your sister? A Yes sir.
- Q She also has appeared to be identified on the above date? A Yes sir.
- Q Do you want to have their testimony considered with yours in order that you may get the benefit of what they have testified to in your case? A Yes sir.
- Q Have you any proof of any kind that you want to offer now or any documentary evidence you want to introduce? A Nothing only the marriage of my father and mother?
- Q What's that? A I could produce a witness to testify to the marriage of my father and mother.
- Q Have you no other evidence or proof? A No sir, not at present.
- Q Not at present-----Do you think if you were given reasonable time you could introduce other proper evidence or testimony in support of this application? A I think so.

Reasonable time will be allowed this applicant in which to furnish other proper evidence if introduced under the rules of the Commission.

- Q Do you speak the Choctaw language? A No sir.

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George W. Fletcher, being called as a witness in the above entitled cause, and having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission.

- Q What is your full name? A My full name? A George Washington.
Q George W. Fletcher? A Yes sir.
Q What is your age, Mr. Fletcher? A My age is going on fifty-eight-----fifty-seven.
Q What is your post office address? A Healdton.
Q You make application for identification as a Mississippi Choctaw on the above date did you not-----A Yes-----January 15, 1902?
A Yes sir.
Q Is Thomas J. Fletcher your son? A Yes sir.
Q Will you give the date of your marriage? A The date as high as I can recollect was on the 27th day of January, 1865. That's as well as I can remember.
Q Whom did you marry? A I married a girl by the name of Susan Guerin.
Q Susan what? A Susan Guerin. You have got the name down there.
Q G-u-e-r-i-n? A I can't spell nothing.
Q She is now living? A Yes sir.
Q Were you married by a minister under a license? A Yes sir.
Q Is it your understanding that your ancestor, Captain James Fletcher, through whom you claim your Choctaw blood-----A Yes sir-----was the same Captain Fletcher whose name appeared on page 95 and also on page 136 of Volume VII of the American State Papers as a beneficiary under the Treaty of 1830? A That's my understanding
Q What proof have you that they are the same person? A I have no proof only from relations that is older than myself.
Q What you have heard in the family? A Yes sir, that's what I have heard in the family.
Q And also what you have attempted to establish by the ex parte affidavits that you have introduced in your case? A Yes sir, that's all I have got.
Q Can you add anything further to the testimony of your son's case in addition to the testimony that you have already given in your own application? A No sir, I have said all that I know.
Q You have said all that you know in your own? A Yes sir. I have been off to myself all my life and all I know is just what I have been taught.
Q And it is your wish that the testimony given by you should be considered in the applications made also by Mary E. McKee and Thomas J. Fletcher-----A Yes sir-----and also in the testimony to be given by other relatives of yours who will hereafter appear before the Commission? A Yes sir, yes sir.

Witness excused.

This applicant has the appearance and physical characteristics of being descended from white parentage. He has no knowledge of the Choctaw language and no knowledge of a compliance on

(9).

the part of his ancestors with any of the provisions of Article XIV of the Treaty of 1830. He claims that Captain Fletcher who is a beneficiary under Article XIX of the Treaty of 1830, is the Captain James Fletcher whom he says is his great-great-grandfather. He has blue eyes, sandy moustaches and brown hair.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on January 15, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of January, 1902.

Subscribed and sworn to before me this 29th day of January, 1902.

Hal Belford

Clara Mitchell Wood
Notary Public.

M.C. 4516

Muskogee, Indian Territory, February 27, 1902.

Thomas J. Fletcher,
Chagris, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter without date, inclosing the affidavit of Wm. Hoggard in support of your application for the identification of yourself and your minor children as Mississippi Choctaws. The same has been filed with the record in your case and will receive consideration in the disposition of the application.

Yours truly,

Commissioner in Charge.

Mississippi Choctaw
4818, 4819, 4817,
4818, 5001, 5018.

Muskogee, Indian Territory, May 6, 1902.

Thomas J. Fletcher,
Chagris, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of May 2,
inclosing the following evidence for filing in support of applica-
tions for identification as Mississippi Choctaws:

Six affidavits each of Patsy Poff, William Haggard and
L. V. Wright to be filed in support of the applications of Susan
Fletcher, Mary E. McKee, et al., Nancy Fletcher, Thomas J. Fletcher,
et al., Arrie Rogers et al., Florence McKee, et al. for identifica-
tion as Mississippi Choctaws, and the same have been filed with and
made a part of the records in the above named cases.

You are advised that the Commission cannot take up and pass
upon the sufficiency of the evidence offered in support of applica-
tions until the same are reached for consideration and determination.

Yours truly,

Commissioner in Charge.

45-16

Muskogee, Indian Territory, January 18, 1903.

U. T. Ruxroat,

Healdton, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 3rd inst., in which you ask "is there such an Indian enrolled on the Chickasaw or Choctaw rolls as Geo. W. Fletcher or T. J. Fletcher and did they make personal application to the Dawes Commission in 1902?"

In reply to your letter you are informed that it appears from the records of the Commission that George W. Fletcher, fifty seven years of age, residence Healdton, Indian Territory, and Thomas J. Fletcher, thirty six years of age, residence Chagris, Indian Territory, are applicants for the identification of themselves and minor children as Mississippi Choctaws, having submitted such applications at the Office of the Commission at Muskogee, Indian Territory, January 16, 1902. The Commission has not, up to the present time, reached any opinion or decision in their cases but is now considering their applications and it is probable decisions will be rendered in the near future. The principal applicants will be duly notified of the action of the Commission and

U. L. Remont---2

of the forwarding of the record to the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

COPY.

M.C.R.4516

Muskogee, Indian Territory, February 11, 1903.

Thomas J. Fletcher,

Chagris, Indian Territory.

Dear Sir:

You are hereby advised that on the 11th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of George W. Fletcher, et al., embracing the following applications for identification as Mississippi

Choctaws:

George W. Fletcher, et al.,	M.C.R. 4514
Thomas J. Fletcher, et al.,	M.C.R. 4515
Mary R. McKee, et al.,	M.C.R. 4516
Florence McKee, et al.,	M.C.R. 5010
Arrie Rogers, et al.,	M.C.R. 5001
Nancy Fletcher,	M.C.R. 4517
Susan Fletcher,	M.C.R. 4518
Nancy Leonard, et al.,	M.C.R. 5244
Annie Skallenger, et al.,	M.C.R. 5517
Margaret Partain, et al.,	M.C.R. 5518
Frank Leonard,	M.C.R. 5608
Othelia Taylor, et al.,	M.C.R. 5519
Jehnnie Hatten, et al.,	M.C.R. 5521
Leora Blackman, et al.,	M.C.R. 5522
Eddie Harris, et al.,	M.C.R. 5523
John Perry Linney, et al.,	M.C.R. 5504
Louisa Lane, et al.,	M.C.R. 5245

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United

Thomas J. Fletcher, -2

States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of George W. Fletcher, Leonie Fletcher, Clara Fletcher, Thomas J. Fletcher, Susan Fletcher, Maggie Fletcher, Amanda Fletcher, Jasper T. Fletcher, Clara Fletcher (2), Mary E. McKee, Willie M. McKee, James A. McKee, Clara I. McKee, George W. McKee, Barbara McKee, Florence McKee, Ella McKee, George McKee, Laura McKee, Eddie McKee, Oliver McKee, Mandy McKee, Arrie Rogers, Gertie Rogers, Arthur M. Rogers, Carrie Rogers, Nancy Fletcher, Susan Fletcher, Nancy Leonard, William Leonard, Joseph Leonard, Charles Leonard, Annie Leonard, Annie Skellenger, George Skellenger, Emory Skellenger, Margaret Partain, Myrtel Partain, Jimmie Partain, Alonzo Partain, Frank Leonard, Othelia Taylor, Malothia Taylor, Johnnie Hatten, Pearl Hatten, William Hatten, Coke Hatten, George Edward Hatten, Leora Blackman, Johnnie Blackman, Jimmie Blackman, Altha Blackman, Mabry Blackman, Albert Blackman, Eddie Harris, Dora Harris, John Perry Linney, Stella Linney, Myrtle May Linney, Louisa Lane, Joseph Lane, Jesse Lane and Lennon Lane as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tamc Dixie.

Acting Chairman.

Registered.

M C R 4516

Muskogee, Indian Territory, March 11, 1903.

Thomas J. Fletcher,

Chagris, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of February 27th, in which you state that you haven't time or means to employ a lawyer to present an argument in the matter of your application for identification as a Mississippi Choctaw.

In reply to your letter you are advised that it appears from our records that on February 11, 1903, the Commission rendered its decision refusing the application made by you for the identification of yourself and minor children as Mississippi Choctaws. You were notified of this decision and that you would be allowed fifteen days within which to present arguments to be forwarded to the Secretary of the Interior.

On February 27, 1903, the record in your case was transmitted to the Department, and you will be duly advised of such action as may be taken in your case.

Respectfully,

Chairman.

M.C.R. 4516

COPY.

Muskogee, Indian Territory, August 8, 1903.

Thomas J. Fletcher,
Chagris, Indian Territory.

Dear Sir:

You are hereby notified that on the 28th day of July, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of George W. Fletcher, et al., of which decision you were advised by registered mail on the 11th day of February, 1903.

Respectfully,

SIGNED)

T. B. Needles.
Commissioner in Charge.

Miss. Choctaw R4516

Muskogee, Indian Territory, August 21, 1903.

Thomas J. Fletcher,

Chagris, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of August 17, asking if you can remove your improvements from land which you have bought as a prospective allotment.

In reply to your letter you are informed that it appears from our records that your application for the identification of yourself and your minor children as Mississippi Choctaws has been refused by this Commission and this decision has been affirmed by the Secretary of the Interior. You would not, therefore, be entitled in any manner to possessory rights of the tribal property of the Choctaw and Chickasaw Nations. If you are not holding the land referred to by you under a contract or lease with some citizen or freed man of the Choctaw or Chickasaw Nation the Commission considers the same subject to allotment by any citizen or freedman of said nations regardless of any improvements which may have been placed thereon by a noncitizen.

Respectfully,

Commissioner in Charge.

For Identification as a Mississippi Choctaw.

Date

JAN 15 1902

Name Thomas J. Fletcher

Age 36

Blood 1/16

Post Office, Chagris, I. T.

Father: George W. Fletcher. l.

Mother: Susan " l.

Claims through father.

Rhoda Fletcher, l. w.

Claim for wife.

Children:

Susan Fletcher 10

Maggie " 7

Amanda " 5

Jasper F. " 3

Clara " 1

Claims for self & children

Stenographer Hal Belford

Choctaw MCR 4517

Nancy Fletcher

See MCR 4514

MCR 4517

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, January 19, 1902.

#4517.

In the matter of the application of Nancy Fletcher for
identification as a Mississippi Choctaw.

Applicant not represented by Attorney.

Nancy Fletcher, being first duly sworn, upon her oath
testifies as follows:

Examination by the Commission.

- Q What is your name? A Nancy Fletcher.
Q Nancy? A Yes sir.
Q What is your age? A Twenty-seven.
Q What is your post office address? A Healdton.
Q What? A Healdton.
Q H-e-a-l-d, how do you-----A Yes sir-----spell that? A H-e-a-l-
d-t-o-n.
Q Indian Territory? A Yes sir.
Q How long have you lived there? A About twenty-one years.
Q Where did you live before that? A No sir, I lived in the Nation
seven years.
Q Seven years at this place? A Yes sir.
Q Where did you live before that? A In Texas. Montague County
Texas.
Q Were you born in Texas? A Yes sir.
Q And have lived in Texas and the Territory only? A Yes sir.
Q Is your father living? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is your mother's name? A Susan Fletcher.
Q What is your father's name? A George W. Fletcher.
Q Do you claim through your father? A Yes sir.
Q How much Choctaw blood do you claim? A One-sixteenth.
Q Has your father ever been recognized in any way or enrolled as a
member of the Choctaw Tribe of Indians-----A No sir-----by the
Choctaw tribal authorities or the United States authorities? A No
sir.
Q When and where were your father and mother married? A In Texas.
Q What date? A 27th of January, 1865.
Q By a minister under a license? A Yes sir.
Q You had made their marriage later I presume if allowed time?

(2).

- Q You are not married? A No sir.
- Q You are making this application for yourself are you? A Yes sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Have you ever made application for enrollment as a Choctaw citizen to the Choctaw Tribal Authorities in the Indian Territory? A No sir, only just my father sent that in. It was rejected.
- Q He made application to the Choctaw tribal authorities for himself and his family? A Yes sir.
- Q What was done with that application he made to the Choctaw tribal authorities? A It was-----the lawyer didn't send it.
- Q No, I mean to the Choctaw tribal authorities? A It was rejected.
- Q It was rejected. Did he make application to the Dawes Commission or try to for enrollment as a Choctaw Indian, that is, to the Commission to the Five Civilized Tribes in 1896, under the act of Congress of June 10, 1896? A Yes sir.
- Q Was that the case where he employed a lawyer who took the papers and then didn't do anything about it? A Yes sir.
- Q So that neither his name or the name of any members of his family got before the Commission at that time? A No sir.
- Q Has he ever made application for you or for any other member of his family either to the Choctaw tribal authorities or the United States authorities for enrollment as Choctaw Indians other than the applications referred to? A No, I don't know. He---No sir, I don't think he has.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.
- Q Do you now come before the Commission to be identified as a Mississippi Choctaw claiming under Article XIV of the Treaty of 1830? A Yes sir.
- Q Do you understand that article of that Treaty? A No sir, I don't think so.
- Q Article XIV of the Treaty of 1830 was put into that Treaty for the especial benefit of those Choctaw Indians who refused to go to the Choctaw Nation Indian Territory under the Treaty of 1830 after it was ratified. That treaty was made between the Choctaw Indians in Mississippi and Alabama and the United States Government and was signed on the 27th day of September, 1830, and the principal object of the Treaty was to remove the Choctaw Indians from that old Choctaw Nation, to the Choctaw Nation, Indian Territory. After the Treaty was ready for signature with article XIV in it protecting the rights of those Choctaw Indians who stayed back in the old Choctaw Nation, it was signed, and later on it was ratified on the 24th day of February, 1831. Article XIV of that Treaty is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that

(3).

quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Did any of your Choctaw ancestors comply or attempt to comply with any of the provisions of that Article of that Treaty? A I don't know.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Captain James Fletcher.
- Q What relation was he to you? A He was my Great-great-grandfather.
- Q How much Choctaw blood did he have? A Three-fourths.
- Q Did he live in Mississippi in 1830 and have a family there at that time? A Yes sir.
- Q Do you know whether any of your Choctaw ancestors owned any improvements on land in Mississippi or Alabama in 1830? A I don't know.
- Q Did any of your Choctaw ancestors within six months after the ratification of the Treaty of 1830, go to the United States Indian Agent Colonel Ward, and tell him that they wanted to stay in Mississippi and take land there and become citizens of the United States? A I don't know.
- Q Did he or any of your Choctaw ancestors go from the old Choctaw Nation to the Choctaw Nation Indians Territory with the other Indians between 1833 and 1838? A Yes sir.
- Q When did he come to the Indian Territory? A In 1835 or '6.
- Q Was he removed there at the expense of the Government? A I don't know.
- Q With the other Indians? A I don't know.
- Q How old would Captain James Fletcher be if living now? A I don't know.
- Q Did he have a daughter Sallie living with him in Mississippi in 1830? A Yes sir.
- Q What relation was she to you? A She was my great-grandmother.
- Q great-grandmother? You claim through your father, George W. Fletcher? A Yes sir.
- Q Did he ever live in Mississippi? A No sir.
- Q He claims through which parent, father or mother? A Mother.
- Q Sallie? A Elizabeth.
- Q Did she live in Mississippi? A I don't know.
- Q How old would she be if living now? A I don't know.
- Q She claimed through which parent, her father or mother? A Her mother.
- Q Sallie? A Elizabeth claimed through her mother Sallie.
- Q Elizabeth claimed through Sallie? A Sallie claimed through her father.
- Q Yes----Elizabeth claimed through Sallie didn't she? A Yes sir.
- Q And her mother Sallie, claimed through Captain James Fletcher.

(4).

- Q Did Captain James Fletcher ever receive any land in Mississippi or Alabama or claim any under Article XIV of the Treaty of 1830?
A I do not know.
- Q Did he ever receive or claim any land in Mississippi or Alabama under any other article of the Treaty of 1830 than Article XIV or under the supplement of that Treaty? A I don't know.
- Q Did you ever hear that he ever was a beneficiary under Article XIX of the Treaty of 1830? A No sir, I never heard it.
- Q Did your father never tell you or any member of the family, that your ancestor, Captain James Fletcher appeared as a beneficiary under Article XIX of the Treaty of 1830 as shown by the record contained in pages 95 and 136 of Volume VII of the American State Papers? (No answer).
- Q Did you ever hear anything about that? (No answer).
- Q Of course if you don't know you can say so. A I never heard him say so.
- Q You never heard him say that before this mornning when he testified here? A Yes sir, I expect he has, but I never paid no attention to it.
- Q The members of the Choctaw tribe of Indians in the old Choctaw Nation in Mississippi and Alabama who remained with that old Choctaw Nation after the Treaty of 1830 was ratified were required under Article XIV of that Treaty within six months after its ratification, to go to the United States Indian Agent, Colonel Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States. A good many Indians did this whose names Ward failed to put upon his list made by him, known as Ward's Register. There is no record of the names of a great many of these applicants who appeared before him. This caused a good many complaints among the Indians who had land in Mississippi, because the land was taken from them and they lost both land and improvements. Both were taken from them by the Government and sold. So many complaints were made by the Choctaw Indians that in 1837 by an act of Congress approved March 3 of that Year, a Commission was appointed and this Commission went to Mississippi and heard claimants under Article XIV of the Treaty of 1830. In 1842 another Commission was appointed for this same purpose, and this Commission also went to Mississippi and heard claimants under Article XIV of the Treaty. Did any of your ancestors go before either the Commission of 1837 or the Commission of 1842 and claim benefits under Article XIV of that treaty?
A I don't know.
- Q Under the provisions of an act of Congress approved August 23, 1842, it was provided that all Indians who proved their claim under Article XIV and also proved that they had had land taken from them in Mississippi by the Government and sold, that they should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas, and their right to select this land would be evidenced by a certificate or scrip issued to them by the Government. Did any of your ancestors receive any such scrip as Choctaw Indians? A No sir, not as I knew of.
- Q Is George W. Fletcher your father? A Yes sir.
- Q Mary E. McKee your sister? A Yes sir.
- Q Do you want to have their testimony considered with yours when yours is considered in order that you may get the benefit of what they have testified to? A Yes sir.
- Q They have appeared on this date have they not to be identified?
A Yes sir.
- Q Is there any other person to be introduced? A I

(5).

havn't any, no sir.

Q You havn't any ready? A No sir.

Reasonable time will be allowed this applicant in which to furnish proper evidence under the rules of the Commission in support of this application which she makes to be identified as a Mississippi Choctaw.

Q Do you speak Choctaw? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; medium light complexion, blue eyes, brown hair. She does not understand the Choctaw language and has no knowledge of a compliance on the part of her ancestors with any of the provisions of Article XIV of the Treaty of 1830.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on January 15, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of January, 1902.

Subscribed and sworn to before me this 29 day of January, 1902.

Hal Belford
Clara Mitchell Wood

Notary Public.

Mississippi Choctaw
4516, 4518, 4517,
4516, 5001, 5010.

Muskogee, Indian Territory, May 4, 1902.

Thomas J. Fletcher,
Chagris, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of May 2,
inclosing the following evidence for filing in support of applica-
tions for identification as Mississippi Choctaws:

Six affidavits each of Patny Poff, William Hoggard and
L. V. Wright to be filed in support of the applications of Susan
Fletcher, Mary M. McKee, et al., Nancy Fletcher, Thomas J. Fletcher,
et al., Arrie Rogers et al., Florence McKee, et al. for identifica-
tion as Mississippi Choctaws, and the same have been filed with and
made a part of the records in the above named cases.

You are advised that the Commission cannot take up and pass
upon the sufficiency of the evidence offered in support of applica-
tions until the same are reached for consideration and determination.

Yours truly,

Commissioner in Charge.

COPY.

M.C.R. 4517

Muskogee, Indian Territory, February 11, 1903.

Nancy Fletcher,

Healdton, Indian Territory.

Dear Madam:

You are hereby advised that on the 11th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of George W. Fletcher, et al., embracing the following applications for identification as Mississippi Choctaws:

George W. Fletcher, et al.,	M.C.R. 4514
Thomas J. Fletcher, et al.,	M.C.R. 4516
Mary E. McKee, et al.,	M.C.R. 4518
Florence McKee, et al.,	M.C.R. 5010
Arrie Rogers, et al.,	M.C.R. 5001
Nancy Fletcher,	M.C.R. 4517
Susan Fletcher,	M.C.R. 4518
Nancy Leonard, et al.,	M.C.R. 5244
Annie Spillinger, et al.,	M.C.R. 5517
Margaret Partain, et al.,	M.C.R. 5518
Frank Leonard,	M.C.R. 5508
Othelia Taylor, et al.,	M.C.R. 5519
Johnnie Hatton, et al.,	M.C.R. 5521
Leora Blackman, et al.,	M.C.R. 5522
Edie Harris, et al.,	M.C.R. 5523
John Perry Linney, et al.,	M.C.R. 5504
Louisa Lane, et al.,	M.C.R. 5245

These applications were made under the provision of the act of Congress of June 23, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United

Nancy Fletcher, -2

States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of George W. Fletcher, Leonie Fletcher, Clara Fletcher, Thomas J. Fletcher, Susan Fletcher, Maggie Fletcher, Amanda Fletcher, Jasper T. Fletcher, Clara Fletcher (2), Mary E. McKee, Willie M. McKee, James A. McKee, Clara I. McKee, George W. McKee, Barbara McKee, Florence McKee, Ella McKee, George McKee, Laura McKee, Eddie McKee, Oliver McKee, Mandy McKee, Arrie Rogers, Gertie Rogers, Arthur M. Rogers, Carrie Rogers, Nancy Fletcher, Susan Fletcher, Nancy Leonard, William Leonard, Joseph Leonard, Charles Leonard, Annie Leonard, Annie Skellenger, George Skellenger, Emory Skellenger, Margaret Partain, Myrtel Partain, Jimmie Partain, Alonzo Partain, Frank Leonard, Othelia Taylor, Malothia Taylor, Johnnie Hatton, Pearl Hatton, William Hatton, Coke Hatton, George Edward Hatton, Leora Blackman, Johnnie Blackman, Jimmie Blackman, Altha Blackman, Mabry Blackman, Albert Blackman, Eddie Harris, Dora Harris, John Perry Linney, Stella Linney, Myrtle May Linney, Louisa Lane, Joseph Lane, Jesse Lane and Lennon Lane as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tamie Linney.
Acting Chairman.

Registered.

M C R 4517

Muskogee, Indian Territory, March 11, 1903.

Nancy Fletcher,
Healdton, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of February 27th, in which you state that you haven't time or means to employ a lawyer to present an argument in the matter of your application for identification as a Mississippi Choctaw.

In reply to your letter you are advised that it appears from our records that on February 11, 1903, the Commission rendered its decision refusing your application for identification as a Mississippi Choctaw. You were advised of this decision and that you would be allowed fifteen days within which to present arguments to be forwarded to the Secretary of the Interior.

On February 27, 1903, the record in your case was transmitted to the Department, and you will be duly advised of such action as may be taken in your case.

Respectfully,

Chairman.

M.C.R. 4617

COPY.

Muskogee, Indian Territory, August 8, 1903.

Nancy Fletcher,

Muskogee, Indian Territory.

Dear Madam:

You are hereby notified that on the 26th day of July, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of George W. Fletcher, et al., of which decision you were advised by registered mail on the 11th day of February, 1903.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

For Identification as a Mississippi Orphan.

Date

JAN 15 1892

Name *Nancy Fletcher*

Age *27*

Blood *1/16*

Post Office, *Heraldton, A. T.*

Father: *George W. Fletcher, l.*

Mother: *Susan " l.*

Claims through *father -*

~~Children:~~

Claims for self,
alone

Stenographer *Wae Beelford.*

Choctaw MCR 4518

Susan Fletcher

See MCR 4514

MCR 4518

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MURKOGEE, INDIAN TERRITORY, JANUARY 15, 1902.

#4518.

-----eOo-----

In the matter of the application of Susan Fletcher
for identification as a Mississippi Choctaw.

Applicant not represented by attorney.

Susan Fletcher, being first duly sworn, on her oath
testifies as follows:

Examination by the Commission:

- Q What is your name? A Susan Fletcher.
Q What is your age? A Twenty-three.
Q What is your post office address? A Healdton, I. T.
Q How long have you lived there? A Seven years.
Q Where did you live before you lived in Healdton? A In Texas.
Q Were you born there? A Yes sir.
Q What is your father's name? A George W. Fletcher.
Q Is he living? A Yes sir.
Q Is he the same George W. Fletcher who appeared here for identification as a Mississippi Choctaw on the above date, January 15th? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is her name? A Susan Fletcher.
Q Do you claim your Choctaw blood through your father? A Yes sir.
Q How much do you claim? A One-sixteenth.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.
Q When and where were your father and mother married? A Married in Montague County, the 27th of January, 1868. I think that's about the correct date.
Q By a minister and under a license? A Yes sir.
Q Can you produce proof of their marriage if given time?
A Yes sir.

Reasonable time will be allowed for that purpose.

- Q You apply simply for yourself do you? A Yes sir.
Q You are not married? A No sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory?
A Not any personally I haven't.
Q Has application ever been made for you by any person to the Choctaw tribal authorities? A My father made application and

Susan Fletcher--2.

took my name.

- Q In 1896? A Yes sir.
- Q What was done with the application made by him with the Choctaw tribal authorities? A Was rejected.
- Q Has application ever been made by you or for you before this, to the Commission to the Five Civilized Tribes under the Act of Congress of June 10, 1896? A Yes sir, application was made but never sent in.
- Q It was given to some attorney and he neglected to present it to the Commission? A Yes sir.
- Q Are those the only times effort was ever made for you to become enrolled as a citizen of the Choctaw Nation? A My father made effort at Durant, but my name was not included.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court for Indian Territory? A No sir.
- Q Do you now come before the Commission for the purpose of being identified as a Mississippi Choctaw under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article of that treaty? A I don't know whether I do or not.
- Q You understand what a treaty is? A Yes sir, I know what a treaty is.

A treaty was made between the United States government and the Choctaw Indians who lived in the old Choctaw Nation in Mississippi and Alabama, at a place called Dancing Rabbit Creek in Mississippi on the 27th of September, 1830. The object of that treaty was to remove all of the Choctaw Indians who lived in the old Choctaw Nation to the Choctaw Nation, Indian Territory. This purpose of removal was for the interests of that Nation in order that they might have tribal government undisturbed by the encroachments of the white people in the Choctaw Nation, Indian Territory; but before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation, Indian Territory, and in order to protect their interests article fourteen was put into the treaty. Article fourteen is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it.

Susan Fletcher--3.

Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q Did any of your Choctaw ancestors comply with or attempt to comply with any of the provisions of that article of that treaty?
A I don't know.
- Q What is the name of your Choctaw ancestor through whom you claim your right to be identified as a Mississippi Choctaw?
A Captain James Fletcher.
- Q Did he live in Mississippi in 1830? A Yes sir.
- Q He have a family there at that time? A Yes sir.
- Q How much Choctaw blood did he have? A Three-fourths.
- Q How old would he be if living now? A I don't know.
- Q Do you know when he died? A No sir.
- Q Did he die in Mississippi? A No sir, he died in the Choctaw Nation.
- Q Where? Died where? A In the Choctaw Nation.
- Q When did he remove from Mississippi to the Choctaw Nation?
A In 1835 or 36.
- Q Did he remove here in charge of the United States government when the other Indians came here? A Yes sir.
- Q Do you know anything further about his removal or about his compliance with article fourteen of the treaty of 1830?
A No sir, I don't know.
- Q Where did you get your information? A From my father.
- Q From your father George W. Fletcher? A Yes sir.
- Q Did you hear it from anybody else? A I have heard my other relatives talking about it some, but got most my information from him.
- Q Did Captain James Fletcher or any of your ancestors own any improvements on land in Mississippi or Alabama in 1830?
A I don't know.
- Q Did he or any of your Choctaw ancestors go to the United States Indian Agent Colonel Ward within six months after the ratification of the treaty of 1830, and tell him they wanted to stay in Mississippi, take lands there and become citizens of the United States? A I don't know.
- Q Where did your ancestor captain James Fletcher settle when he left Mississippi and reached the Choctaw Nation, Indian Territory? A I don't know what part of the Choctaw Nation he settled in.
- Q Do you know where in the Choctaw Nation he died? A No sir.
- Q You don't remember when? A No sir, don't know when he died.
- Q You claim through your father George W. Fletcher; through whom did he claim; father or mother? A His mother.
- Q Did she ever live in Mississippi? A Yes sir, I think she did.
- Q Do you know where she was born? A In Mississippi I suppose; I am not certain.
- Q Do you know where in Mississippi? A No sir.
- Q Do you know when and where she died? A I don't know where she died.
- Q What was her maiden name? A Elizabeth.
- Q Elizabeth what? A Fletcher.
- Q Her maiden name? A Hoggard.
- Q She claimed through which parent; father or mother? A Mother.

Susan Fletcher--4.

- Q Her mother's maiden name was what? A Sallie Fletcher.
Q Was she a daughter of Captain James Fletcher? A Yes sir.
Q Did Sallie Fletcher live in Mississippi? A Yes sir.
Q Did she die there? A I think she died in the Choctaw Nation.
Q Do you know how old she was when she died? A No sir, I don't know.
Q Did any of your Choctaw ancestors receive or claim any land in Mississippi or Alabama under article fourteen of the treaty of 1830? A I don't know.
Q Did they receive or claim any land or were they entitled to any under any other article than article fourteen or the supplementary articles of that treaty? A I don't know.
Q Did they receive or claim any benefits under any treaty made between the United States government and the Choctaw tribe of Indians, other than the treaty of 1830? A I don't know.
Q Did you ever hear that your ancestor Captain James Fletcher was upon any list in Mississippi as a beneficiary under article fourteen of the treaty of 1830? A I don't remember.
Q Didn't you ever hear your father say whether he was or not?
A I have heard mother talk about it, but I don't remember what he said.
Q As a matter of fact you don't know whether Captain James Fletcher received any benefits under the treaty of 1830, or not?
A No sir, I don't know whether he did or not.
Q And can't remember what you heard said in reference to it?
A No sir.

The Indians who remained in the state of Mississippi and Alabama, that is, in the old Choctaw Nation, were required, if they desired to take advantage of the provisions of article fourteen of that treaty, to go to the United States Indian Agent within six months after the treaty was ratified, and tell the United States Indian Agent Colonel Ward that they intended to stay in Mississippi, take lands there and become citizens of the states. A great many Indians did this whose names didn't appear upon any list made by Colonel Ward who was the United States Indian Agent, and which list was known as Ward's Register. As a result of his neglect to make a complete record of all of the Choctaw Indians who claimed rights under article fourteen of that treaty, and asserted those rights within six months from the ratification of that treaty, the lands which a great many Indians claimed was taken from them by the government and sold at its public land sales. This caused a great many complaints among the Choctaw Indians who held land in Mississippi which the United States government took from them and sold together with improvements thereon. And as a result of these complaints, Congress appointed a Commission by an Act approved March 3rd, 1837, which Commission went to the state of Mississippi and heard claimants under article fourteen of that treaty. In 1842 another Commission was appointed by Congress for the same purpose by an Act approved August 23rd of that year, and these two Commissions made lists of the names of all applicants who appeared before them claiming rights under article fourteen of the treaty of 1830.

Susan Fletcher--5.

- Q Did any of your Choctaw ancestors appear before the Commission of 1837 or 1842? A I don't know.
Q Claiming benefits under article fourteen of that treaty?
A I don't know.

The Act of Congress approved August 23, 1842, provided that if any Choctaw Indian proved his claim under article fourteen of the treaty of Dancing Rabbit Creek, and if it also appeared that he had land in Mississippi which the government had taken from him and sold at its public land sales, that he should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant government land and that certificates should be issued to those claimants to that effect. These certificates were called scrip.

- Q Did any of your Choctaw ancestors receive any such scrip from the government as Choctaw Indians? A I don't know.
Q Is George W. Fletcher your father? A Yes sir.
Q Mary E. McKee your sister? A Yes sir.
Q Nancy Fletcher your sister? A Yes sir.
Q Thomas J. Fletcher your brother? A Yes sir.
Q They have all appeared to be identified as Mississippi Choctaws on the above date, January 15th? A Yes sir.
Q You want to have their testimony considered with yours?
A Yes sir.
Q Have you any evidence of any kind that you want to present now in support of your claim? A No sir.
Q Would you like time in which to offer proof? A Yes sir.

Reasonable time will be allowed this applicant in which to offer proper evidence made and presented to the Commission in conformity with the rules of the Commission.

- Q Do you speak or understand the Choctaw language? A No sir.

This applicant has the features and characteristics of being descended from white parentage, medium fair complexion, brown eyes, brown hair, doesn't understand the Choctaw language and has no knowledge of the compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 15th day of January, 1902, and that the foregoing is a full, true and correct transcript of his stenographic notes of said cause.

Subscribed and sworn to before me this 20th day of January, 1902.

Albert G. McMillan
Notary Public

Mississippi Choctaw
4816, 4818, 4819,
4818, 5001, 5010.

Washkoo, Indian Territory, May 6, 1902,

Thomas J. Fletcher,
Chagris, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of May 2,
inclosing the following evidence for filing in support of applica-
tions for identification as Mississippi Choctaw:

Six affidavits each of Putay Peff, William Haggard and
L. V. Wright to be filed in support of the applications of Susan
Fletcher, Mary E. McKee, et al., Nancy Fletcher, Thomas J. Fletcher,
et al., Arrie Rogers et al., Florence McKee, et al. for identifica-
tion as Mississippi Choctaw, and the same have been filed with and
made a part of the records in the above named cases.

You are advised that the Commission cannot take up and pass
upon the sufficiency of the evidence offered in support of applica-
tions until the same are reached for consideration and determination.

Yours truly,

Commissioner in Charge.

COPY.

M.C.R. 4518

Maskogee, Indian Territory, February 11, 1903.

Susan Fletcher,

Healdton, Indian Territory.

Dear Madam:

You are hereby advised that on the 11th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of George W. Fletcher, et al., embracing the following applications for identification as Mississippi Choctaws:

George W. Fletcher, et al.,	M.C.R. 4514
Thomas J. Fletcher, et al.,	M.C.R. 4516
Mary E. McKee, et al.,	M.C.R. 4515
Florence McKee, et al.,	M.C.R. 5010
Arrie Rogers, et al.,	M.C.R. 5001
Nancy Fletcher,	M.C.R. 4517
Susan Fletcher,	M.C.R. 4518
Nancy Leonard, et al.,	M.C.R. 5244
Annie Shollenger, et al.,	M.C.R. 5517
Margaret Partain, et al.,	M.C.R. 5518
Frank Leonard,	M.C.R. 5608
Othelia Tayler, et al.,	M.C.R. 5519
Johnnie Hatten, et al.,	M.C.R. 5521
Leora Blackman, et al.,	M.C.R. 5522
Eddie Harris, et al.,	M.C.R. 5523
John Perry Linney, et al.,	M.C.R. 5504
Louisa Lane, et al.,	M.C.R. 5245

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United

Susan Fletcher, -2

States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of George W. Fletcher, Leonie Fletcher, Clara Fletcher, Thomas J. Fletcher, Susan Fletcher, Maggie Fletcher, Amanda Fletcher, Jasper T. Fletcher, Clara Fletcher (2), Mary E. McKee, Willie M. McKee, James A. McKee, Clara I. McKee, George W. McKee, Barbara McKee, Florence McKee, Ella McKee, George McKee, Laura McKee, Eddie McKee, Oliver McKee, Mandy McKee, Arrie Rogers, Gertie Rogers, Arthur M. Rogers, Carrie Rogers, Nancy Fletcher, Susan Fletcher, Nancy Leonard, William Leonard, Joseph Leonard, Charles Leonard, Annie Leonard, Annie Skellenger, George Skellenger, Emery Skellenger, Margaret Partain, Myrtel Partain, Jimmie Partain, Alonso Partain, Frank Leonard, Othelia Taylor, Malothia Taylor, Johnnie Hatton, Pearl Hatton, William Hatton, Coke Hatton, George Edward Hatton, Leora Blackman, Johnnie Blackman, Jimmie Blackman, Altha Blackman, Mabry Blackman, Albert Blackman, Eddie Harris, Dora Harris, John Perry Linney, Stella Linney, Myrtle May Linney, Louisa Lane, Joseph Lane, Jesse Lane and Lennen Lane as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

James S. Smith

Acting Chairman.

Registered.

M C R 4518

Muskogee, Indian Territory, March 10, 1903.

Susan Fletcher,
Heraldton, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of February 27th, in which you state you haven't the time or means to employ a lawyer to present an argument in the matter of your application for identification as a Mississippi Choctaw.

In reply to your letter you are advised that it appears from our records that on February 11, 1903, the Commission rendered its decision refusing your application for identification as a Mississippi Choctaw. You were advised of this decision and that you would be allowed fifteen days within which to present arguments to be forwarded to the Secretary of the Interior.

On February 27, 1903, the record in your case was transmitted to the Department, and you will be duly advised of such action as may be taken in your case.

Respectfully,

Chairman.

M.O.R. 4518

COPY.

Muskogee, Indian Territory, August 8, 1903.

Nowata, Indian Territory.

Dear Madam:

You are hereby notified that on the 28th day of July, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of George W. Fletcher, et al., of which decision you were advised by registered mail on the 11th day of February, 1903.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Identification as a Mississippi Choctaw.

Date JAN 10

Name Susan Fletcher,

Age 23 Blood 1/16

Post Office, Healdton, I.T.

Father: George W. Fletcher, L.

Mother: Susan " L.

Claims through father.

~~EXHIBIT~~

Applicant for reap
alone

Stenographer A. G. McMillan

Choctaw MCR 4519

Katie A. Patterson

See MCR 3948

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, INDIAN TERRITORY, JANUARY 15, 1902.

#4519.

-----Q00-----

In the matter of the application of Katie A. Patterson for the identification of herself and her two minor children, Annie and James E. Patterson, as Mississippi Choctaws.

Applicant not represented by attorney.

Katie A. Patterson, being first duly sworn, on her oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Katie A. Patterson.
Q What is your age? A Twenty.
Q What is your post office address? A Post office? Alleene, Arkansas.
Q How long have you lived at Alleene? A I lived in the town all my life.
Q All your life? A Yes sir.
Q Is your father living? A Yes sir.
Q What is his name? A David B. Smith.
Q Is your mother living? A No sir.
Q What is her name? A Sarah Smith.
Q Through which parent do you claim Choctaw blood? A My mother.
Q How much Choctaw blood do you claim? A I don't know.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or by the authorities of the United States?
A No sir.
Q Are you married? A Yes sir.
Q What is your husband's name? A T. A. Patterson.
Q He's living? A Yes sir.
Q Do you claim any Indian blood for him? A No sir.
Q He's a white man? A Yes sir, he's been related to the Cherokee Indians.
Q He doesn't claim to be Choctaw? A No sir.
Q Have you any children that you want to make application for?
A Yes sir, I have two.
Q What is the name of the oldest? A Annie Patterson.
Q How old is she? A She's twenty months old.
Q Any others? A Yes sir, baby six weeks old.
Q What's the name? A James E.
Q Is T. A. Patterson the father of these children? A Yes sir.
Q When and where were you married to him? A In Little River County, Arkansas.
Q By a minister and under a license? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.

Katie A. Patterson--2.

- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory?
A No sir.
- Q Have you ever made application for enrollment as a Choctaw Indian to the Commission to the Five Civilized Tribes under the Act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court for the Indian Territory? A No sir.
- Q This is your first application for identification is it?
A Yes sir, I sent in affidavit about two months ago but they didn't take it.
- Q You did not personally appear? A No sir.
- Q You now come before the Commission to identify yourself and your children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article of that treaty? A I don't know if I understand it right.
- Q You understand what a treaty is? A No sir.
- Q You understand what a contract in writing is, do you not?
A No sir.
- Q You have heard of agreements being made between people where they put their names down in writing---signed it? A Yes sir.

Well, those agreements are made in writing and signed by the people who are parties to the agreement and called contracts or agreements; but if a compact is made between two or more Nations it is called a treaty; that is the difference. Such a treaty was made between the United States government and the Choctaw Indians in 1830, on the 27th of September of that year at a place called Dancing Rabbit Creek in Mississippi. The principal object of that treaty was to effect the removal of all the Choctaw Indians who lived in Mississippi and Alabama from that old Choctaw nation to the new Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would refuse to go to the Choctaw Nation, Indian Territory, and in order to protect the interests of those people who elected to stay back there in Mississippi and Alabama article fourteen was put into the treaty. An article in a treaty is one of its subdivisions. Article fourteen is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification

Katie A. Patterson--3.

of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q Do you understand that do you think? A Yes sir.
- Q Do you know whether any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article of that treaty? A Whether any of them has complied?
- Q Yes? That is, have they done those things as stated in that article? A No sir.
- Q Then they have not complied with the provisions have they? A No sir.
- Q What is the name of your ancestor through whom you claim the right to be identified as a Mississippi Choctaw? A Grandmother. I am a daughter of Sarah Smith; she was a daughter of Lucy Brown; she was a daughter of John Love; he was a son of Thomas J. Love.
- Q Thomas J. Love is the one then isn't he? A Yes sir.
- Q His son was John Love? A Yes sir.
- Q How did Thomas J. Love live in Mississippi in 1830? A Yes sir, I suppose he did. I don't know.
- Q Did he have a family there at that time? A Well, I don't know.
- Q Did his son John Love live in Mississippi in 1830? A I don't know.
- Q Do you know whether any of your ancestors, through whom you claim your Choctaw blood, lived in Mississippi in 1830? A No sir, Thomas J. Love died there.
- Q He died in Mississippi? A Yes sir.
- Q Do you know when he died? A No sir.
- Q Do you know at what age he died? A No sir.
- Q Where did John Love his son die? A He died in Arkansas.
- Q Do you know at what age he died? A No sir.
- Q Well did any of his descendants--John Love's descendants--ever live in Mississippi? A I don't know.
- Q All you know then is that Thomas J. Love has lived at one time in Mississippi? A Yes sir.
- Q Know anything about his father or mother? A No sir.
- Q How much Choctaw blood did Thomas J. Love have? A Well, witnesses proved that he was one-half Choctaw.
- Q Now, how do you know that Thomas J. Love was one-half Choctaw Indian? A That's what I have been told.
- Q Who taught you that? A That what I have always heard.
- Q Your father and mother? A Yes sir.
- Q You claim through your mother? A Yes sir.
- Q And she claimed through her mother? A Yes sir.
- Q What was her mother's name? A Lucy Brown; maiden name Lucy Love.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830, go to the United States Indian Agent Colonel Ward and tell him they wanted to stay in

Katie A. Patterson--4.

Mississippi, take lands there and become citizens of the United States? A I don't know.

Q Did any of them go from that old Choctaw Nation to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838? A I don't know.

Q Did you ever hear that any of them claimed any land or received any in Mississippi or Alabama under the article fourteen of the treaty of 1830? A No sir.

Q Did any of them claim or receive any land under any other article than article fourteen or the supplementary articles of that treaty? A I don't know.

Q Did any of your Choctaw ancestors claim any rights as Choctaw Indians under any treaty made between the United States government and the Choctaw Indians other than the treaty of 1830?

A I didn't understand you.

Q Did they claim under any other treaty than the treaty of 1830?

A Don't know.

The Indians who stayed in Mississippi in 1830, after the treaty was ratified, in order to take advantage of article fourteen of that treaty were required to go to the government Agent within six months from the time the treaty was ratified, and tell him they intended to stay in Mississippi, take lands there and become citizens of the United States. Those who did this and whose names were placed on the list made by Colonel Ward, known as Ward's Register, would be entitled to hold land in Mississippi, and if they lived upon it for five years they might get a title to it from the government. A good many Indians did this whose names Colonel Ward failed to place upon his list, and as a result of this neglect a good many Indians who held lands in Mississippi has that land taken from them and sold. So many complaints was made that Congress appointed a Commission in 1837; this Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830, and made lists of the names of those who appeared before them. And in 1842 Congress appointed another Commission for the same purpose. This Commission was appointed by Congress by an Act approved August 23rd of that year.

Q Did any of your Choctaw ancestors appear before either the Commission of 1837 or 1842 and claim benefits under article fourteen of that treaty? A I don't know.

The Act of Congress approved August 23rd, 1842, provided that if any Choctaw Indian proved his claim under article fourteen of the treaty of Dancing Rabbit Creek, and if it also further appeared that he had land in Mississippi which the government had taken from him and sold at its public land sales, he should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant government lands, and that a certificate to that effect should be given him, and these certificates were called scrip.

Q Did any of your Choctaw ancestors receive any such scrip from the government as Choctaw Indians? A I don't know.

Katie A. Patterson--5.

Q Have you any relatives that have previously come before the Commission to be identified as Mississippi Choctaws, claiming their right through Thomas J. Love the same common ancestor?

A Yes sir.

Q Will you give the names of a few of them? A Ben Love, John Love; Ben love is my uncle; John Love is my cousin; Charlie Brown, Pink Brown, Effie Perry, Juliette Pierce and others that I do not now recall.

Q Do you want to have their testimony considered with yours in order that you may get the benefit of what they testify?

A Yes sir.

Q Have you any evidence of any kind that you want to introduce further; is there any kind of evidence you want to present now in further proof of your claim? A No sir.


Q Do you want any time in which to produce other testimony?

A No sir, I don't know as I do.

Q Do you speak the Choctaw language? A No sir.

This applicant has the features and characteristics of being descended from white parentage, medium dark complexion, brown eyes, dark brown hair, doesn't understand the Choctaw language and has no knowledge of the compliance on the part of her ancestors with any of the provisions of the fourteenth article of the treaty of 1830.

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 15th day of January, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.



Subscribed and sworn to before me this 20th day of January, 1902.


Notary Public.

COPY.

M.C.R. 4519

Mustang, Indian Territory, July 15, 1902.

Katie A. Patterson,

Albion, Arkansas.

Dear Madam:

You are hereby advised that on the 18th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Henry T. Love, et al., embracing the following applications for identification as Mississippi Choctaws:

Henry T. Love,	M.C.R. 3948
John H. Love, et al.,	" 3938
Will Love, et al.,	" 4296
Fannie Love,	" 4293
May Love,	" 4294
Bettie McConnell,	" 4295
Ebb Love,	" 4297
David A. Smith,	" 3946
Katie A. Patterson, et al.,	" 4519
Lula T. Johnson, et al.,	" 4298
Pink Smith, et al.,	" 4296
Charles C. Brown, et al.,	" 3939
A. B. Brown, et al.,	" 3940
Juliett Pierce, et al.,	" 3943
Effie E. Perry, et al.,	" 3942
B. G. Brown,	" 3941
Fannie E. Coleman, et al.,	" 4063
Nabel Cobb, et al.,	" 4301
Hiram Coleman,	" 4302
Benjamin V. Love, et al.,	" 3932
Thomas J. Wilson, et al.,	" 3944
James R. Wilson, et al.,	" 3938

K A P 4444-3

These applications were made under the provisions of the act of Congress of June 26, 1890 (26 Stat., 493) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Henry T. Love, John H. Love, Lewander Love, Will Love, Henry Love, Roy Love, Fannie Love, May Love, Bettie McConnell, Zeb Love, David A. Smith, Katie A. Patterson, Annie Patterson, James E. Patterson, Lulu T. Johnson, Leroy Johnson, Pink Smith, Erna Smith, Verna Smith, Lucy T. Smith, Clyde Smith, Sarah Smith, Charles C. Brown, Mattie P. Brown, Albert S. Brown, Charles T. Brown, A. P. Brown, Mattie Brown, Myrtle Brown, Ramie Brown, Louisa Brown, Juliett Pierce, Robert A. Pierce, Sarah E. Pierce, Lucy M. Pierce, James T. Pierce, Louis G. Pierce, Joseph A. Pierce, Effie E. Perry, Bob Perry, Birdie Perry, B. G. Brown, Fannie E. Coleman, Katie Coleman, Preston Coleman, Annie Coleman, Arlie Coleman, Label Cobb, Guy Cobb, Ray Cobb, Miriam Coleman, Benjamin F. Love, Benjamin F. Love, Jr., Mathew L. Love, Thomas J. Wilson, Annie Wilson, Jesse Wilson, Roy Wilson, James M. Wilson, Ed Wilson, Colatus Wilson, Burlah Wilson, Ethel Wilson and Mary Wilson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such

U.S. DEPT. OF JUSTICE

action may be taken by him.

Very truly,

(SIGNED)

Registered.

B. Needles.

Commissioner in Charge.

COPY.

M.C.R. 4519

Muskogee, Indian Territory, October 11, 1902.

Katie A. Patterson,
Alloona, Arkansas.

Dear Madam:

You are hereby advised that on the 1st day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Henry T. Love, et al., of which decision you were advised by registered mail on the 18th day of July, 1902.

Respectfully,

[Signature]
Commissioner in Charge.

No. 4519

For Identification as a Mississippi Choctaw.

Date JAN 15 1902

Name ^{A.}Katie Patterson

Age 20

Blood Don't Know

Post Office, Allene, Ark.

Father: David ^{B. E.} Smith l.

Mother: Sarah " d

Claims through mother
Mustard T. A. Patterson, l. w.

No claim for Mustard

Children:

Annie Patterson, 20 m

James E. " 6 wks

Claims for self
and children

✓

Choctaw MCR 4520

Lula Lumpkin

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Lula Lumpkin, et
al., for identification as Mississippi Choctaws. M.C.R. 4520.

List of papers forwarded to the Secretary of the Interior
comprising the record in the case of Lula
Lumpkin, et al. M.C.R. 4520.

Original application of Lula Lumpkin, et
al., to the Dawes Commission for identi-
fication as Mississippi Choctaws.....1
Ex parte affidavit of Catharine Franklin.....9
Certified copy of marriage license and
certificate of Phil Lumpkin and Lula
Goldwell.....10
Decision of the Commission denying the
application of Lula Lumpkin, et al., for
identification as Mississippi Choctaws.....11.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MURKOGEE, INDIAN TERRITORY, JANUARY 15, 1902.

#4520.

-----cOe-----

In the matter of the application of Lula Lumpkin for the identification of herself and her four minor children, Nazareth Conwell, Jimmie Conwell, Rolly Lumpkin and Lula Lumpkin, and her brother, Lonnie McWilliams, as Mississippi Choctaws.

Applicant not represented by attorney.

Lula Lumpkin, being first duly sworn, on her oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Lula Lumpkin.
Q What is your age? A Thirty-two.
Q What is your post office address? A Wynnewood.
Q I. T.? A Yes sir.
Q How long have you lived in Wynnewood? A Going on three years.
Q Where did you live before that? A Georgia.
Q Were you born in Georgia? A No sir, born in Alabama.
Q Where in Alabama were you born? A I don't know sir. I just know I was born in Alabama, that's all I know. I don't know what part of Alabama.
Q From Alabama you went to Georgia and from Georgia to the Indian Territory? A Yes sir.
Q You don't remember what county you were born in in Alabama?
A No sir.
Q Is your father living? A No sir.
Q What was his name? A Jim McWilliams.
Q Is your mother living or dead? A Dead.
Q What was her name? A Martha McWilliams.
Q Through which parent do you claim Choctaw blood; father or mother? A Mother.
Q How much Choctaw blood do you claim? A Quarter.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.
Q What was your father's blood? A My fathers?
Q Yes? A He was a colored man.
Q Was he all colored blood? A Yes sir.
Q Was he a slave before the war? A I don't know sir.
Q What is your mother's blood aside from her Choctaw blood?
A She was full blooded Choctaw.
Q Do you know where she was born? A I don't know sir. I never heard her say. I think she said she was born in Mississippi I believe. Yes, she said she was born in Mississippi, that's right.

Lula Lumpkin--2.

Q When did she die? A I don't know exactly when she died.
Q Where did she die? A In Georgia.
Q Did she have any white blood at all? A I don't know sir, whether she did or not. I heard her say she was a regular Choctaw Indian.
Q Did you ever hear your father say whether he had any white blood? A He was full blood negro.
Q Was your mother a slave during the war? A No sir.
Q Neither of them slaves as far as you know? A No sir.
Q Are you married? A Yes sir.
Q What is your husband's name? A Phil Lumpkin.
Q He's living? A Yes sir.
Q What is his blood? A He's more white than he is anything else.
Q He's white and negro is he? A Yes sir.
Q Do you make any claim for him? A No sir.
Q How many children under twenty-one years of age and unmarried have you? A Four.
Q What is the name of the oldest? A Nazareth Conwell. I have been married twice.
Q You have been married twice have you? A Yes sir.
Q Phil is the second husband is he? A Yes sir.
Q What is this child's name? A Nazareth Conwell.
Q How old is Nazareth? A She's fourteen years old.
Q What is the name of the next child? A Jimmie Conwell.
Q Boy? A Yes sir.
Q How old is he? A He's going on ten years old.
Q Your first husband dead? A Yes sir.
Q What was his name? A Jim Conwell.
Q Was he a negro? A Yes sir.
Q When did he die? A I don't know sir exactly what time it was. I don't keep no memory of the time.
Q How you have two other children have you? A Yes sir.
Q What is the name of the next? A Rolly Lumpkin.
Q How old is Rolly? A Five years old.
Q Boy? A Yes sir.
Q And the next? A Lula Lumpkin, baby.
Q How old? A She's one year old.
Q That's all the children you have? A Yes, I have a brother that I partly raised.
Q How old is he? A He's eighteen.
Q Where is he? A He's with me.
Q How long have you had charge of him? A Five years.
Q Father and mother both dead? A Yes sir.
Q And you took him when they died? A Yes sir.
Q You have had charge of him have you? A Yes sir.
Q And no one else? A No sir.
Q You are his guardian are you--natural guardian? A Yes sir.
Q What is his name? A Lonnie McWilliams.
Q How old is Lonnie? A Eighteen years old.
Q You are the guardian of this boy are you? A Yes sir.
Q You claim for all these children both by your first husband Jim Conwell and those by your second husband Phil Lumpkin, as having their Choctaw blood through you? A Yes sir.
Q And no Choctaw blood through their fathers? A No.

Lula Lumpkin--3.

- Q And you claim for your brother Lennie McWilliams as having the same mother as you? A Yes sir.
- Q Did he have the same father? A Yes sir.
- Q He derives his Choctaw blood through the same source as you? A Yes sir.
- Q Is your name or the name of any of these children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities for yourself and these children? A I have sent in an affidavit about a month ago I reckon.
- Q Well, you never appeared yourself did you? You didn't come yourself? A No sir, I never come myself.
- Q Have you ever made application in person for yourself and these children for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the Act of Congress of June 10, 1896? A No sir.
- Q Have you are any of these children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court for the Indian Territory? A No sir.
- Q Do you now come before this Commission for the purpose of identifying yourself and these children as Mississippi Choctaws, claiming under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article of that treaty? A No sir, I cant read. I want to be identified as a Mississippi Choctaw under 1830.
- Q Do you understand the treaty of 1830, or article fourteen under that treaty? A No sir.
- Q Have you a lawyer? A No sir.

The treaty of 1830 was made between the United States government and the Choctaw tribe of Indians at a place called Dancing Rabbit Creek in Mississippi on the 27th day of September of that year. The object of that treaty was the removal of all of the Choctaw Indians from the old Choctaw Nation to the Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation, Indian Territory, and in order to protect their interests article fourteen was put into the treaty. Article fourteen reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent.

Lula Lumpkin--4.

If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q You understand that do you? A Yes sir.
- Q Do you know whether any of your Choctaw ancestors complied with or attempted to comply with any of the provisions of that article? A Yes sir.
- Q Who complied with the provisions of that article of that treaty? A My great-grandfather James Allen.
- Q In what way did James Allen comply with the provisions of article fourteen of the treaty of 1830? A I don't know sir, only what I heard my mother say what her mother told her.
- Q What was that? A I have heard her talking about that when it was done.
- Q What did she ever say that he did to comply with that article of that treaty? A I don't know; I was small but I didn't for get that much of it.
- Q Well, but you stated that your ancestor complied with the provisions of that article of that treaty. Now in what way can you tell what did he do to comply? A I don't know.
- Q You don't know whether he did comply then? A I have heard my mother say that her mother told her that he was on the roll.
- Q What rolls do you mean? A Way back in them days in their lifetime; all I know.
- Q You don't know what rolls? A No sir.
- Q What relation was James Allen to you? A My great-grandfather.
- Q Did he live in Mississippi in 1830? A Yes sir, I guess he did.
- Q Did he have a family there at that time? A I reckon he did.
- Q Do you know? A No sir, I don't know.
- Q Did anyone ever tell you he lived in Mississippi in 1830? A My mother said he lived there.
- Q In 1830? A Yes sir.
- Q Did she say at that time? A Yes sir, I just heard her talking about-----
- Q Did you ever hear your mother say that James Allen lived in the state of Mississippi in the year 1830? A Yes sir.
- Q Just using that language? She said he lived there at that identical time? A Yes sir.
- Q Did she tell you that he had a family living there with him at that time? A Yes sir.
- Q Did she tell you how many children he had living in Mississippi in 1830? A No sir, I think she said he had eighteen.
- Q Eighteen children? A Yes sir.
- Q Living with him in 1830? A I don't know whether they was all living with him or not.
- Q Well, in 1830? A Yes sir.
- Q Were they all living in 1830 in Mississippi? A I don't know sir, whether they was or not.
- Q How many of these eighteen were boys? A I never heard her say.

Lula Lumpkin--5.

- Q How many were girls? A I didn't hear her say how many there was, only she said there was eighteen to her remembrance.
- Q James Allen father of all of them? A Yes sir.
- Q What was the name of the mother of all those children?
- A Her name was Martha.
- Q Martha Allen? A Yes sir.
- Q What was she? Indian or negro? A Indian.
- Q What was James Allen? A We was full blood Indian.
- Q Now what relation was James Allen to you? A Great-grandfather
- Q And his wife's name was what? A Martha.
- Q And they had a daughter named Martha did they? Yes sir.
- Q And she married a man named Topuka? A Yes sir.
- Q Martha was full blood? A Yes sir.
- Q This man named Topuka, was he a full blood? A Yes sir.
- Q He was an Indian was he? A Yes sir.
- Q What relation was Martha to you? A My grandmother.
- Q And Topuka was your grandfather? A Yes sir.
- Q Now you claim through your mother Martha McWilliams? A Yes sir
- Q And she was full blood? A Yes sir.
- Q Because her mother Martha and father Topuka were both of them full bloods? A Yes sir.
- Q And she was full blood? A Yes sir.
- Q Her name was Martha? A Yes sir, and she married a colored man
- Q And she married a colored man who had no Choctaw blood?
- A No sir, not as I know of.
- Q Now if your mother was full blood and your father was a colored man, how do you claim that you have one-fourth Choctaw blood?
- A Well, I don't know. I might be one-half.
- Q You want to make that one-half don't you? A Yes sir.
- Q You have shown by your testimony that your mother was a full blood Choctaw Indian, and you have shown that your father was a full blood negro; therefore you have got one-half Choctaw blood and one-half negro blood? A Yes sir.
- Q Did any of your Choctaw ancestors to your knowledge own any improvements on land in Mississippi in 1830? A Yes sir, I have heard my mother say that they did.
- Q Where did they get those lands? A She said she heard her mother talking about it.
- Q Where did your ancestors get those improvements? Did they buy them, and how did they get them? And where were they located?
- A In Mississippi.
- Q Know where in Mississippi? A I never heard her say where. She said in Mississippi.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830, go to the United States Indian Agent Colonel Ward and tell him they wanted to stay there, take lands, and become citizens of the United States?
- A I don't know sir.
- Q Did any of your Choctaw ancestors go from Mississippi to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838? A I don't know sir.
- Q Did any of them ever claim or own any land in Mississippi and Alabama under article fourteen of the treaty of 1830? A Yes sir.
- Q How do you know that? A I just heard my mother talking about them.

Lula Lumpkin--6.

- Q Did you ever see any deed to that land or any certificate or scrip showing that any of your Choctaw ancestors were entitled to hold land in Mississippi? A No sir.
- Q Who was it held any land there under article fourteen of the treaty of 1830? A Great-grandfather.
- Q You mean James Allen? A Yes sir.
- Q Is all you know about it what your mother told you? A Yes sir.
- Q You have no documentary proof of that fact, or know what became of it? A No sir.
- Q Did any of your Choctaw ancestors claim any benefits or land in Mississippi under any other article than article fourteen or the supplement of that treaty? A I don't know sir.
- Q Did they claim any benefits under any other treaty made between the United States government and the Choctaw tribe of Indians, other than the treaty of 1830? A I don't know sir; I don't know myself; what I learn; what I heard her say.

The Indians who stayed in Mississippi in 1830, after the treaty was ratified, were required under article fourteen of that treaty to tell the United States Indian Agent Colonel Ward that they wanted to stay in Mississippi, take lands there and become citizens of the United States, if they wished to take advantage of the provisions of that article of that treaty. A good many did this whose names Colonel Ward failed to put upon his list known as Ward's Register. As a result of his failure a good many Indians who held land in Mississippi had both their land and improvements on that land taken from them by the government and sold at its public land sales. So many complaints were made because of this action of the government that Congress appointed a Commission in 1837 which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 Congress appointed another Commission for the same purpose, and this Commission heard claimants under article fourteen of the treaty of 1830. Both of these Commissions made lists of all who appeared before them.

- Q Did any of your ancestors of Choctaw Indians appear before either of these Commissions claiming benefits under article fourteen of that treaty? A I heard mama say she heard grandfather did.
- Q Her grandfather James Allen? A Yes sir.
- Q Appeared before which Commission? A I don't know sir. I didn't hear her say. I heard her talk about it, that's all I know.
- Q Did she know very much about the Commission appointed by Act of Congress approved March 3rd, 1837, whose members consisted of Messrs. Murray and Vroom? A I don't know.
- Q Do you know what scrip is? A No sir.
- Q Do you know what a certificate is? A Yes sir.
- Q What is a certificate? A Certificate was----know what it was----had certificate made out as Mississippi Choctaw.
- Q Did you ever hear of the Act of Congress approved August 23, 1842? A No sir.
- Q Did your mother tell you about that? A She might have, but I was small. I disremember all she said.

Lula Lumpkin--7.

- Q Did your mother tell you about that Act of Congress and after that if a Choctaw Indian proved his claim under article fourteen of the treaty of 1830, and if it further appeared that he had land taken from him by the government in Mississippi and sold, that he should select land in Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant government land and that this scrip or certificate should be given to him to that effect?
- A Yes sir. Its so long I cant remember.
- Q But you remember she told you all about that? A Yes sir.
- Q And did she tell you that her grandfather James Allen received such scrip as that? A Yes sir.
- Q What did he do with it do you know? A I didn't hear her say; if I did I disremember.
- Q He selected land under it? A Yes sir, she said he owned property.
- Q Selected under that scrip? A Yes sir.
- Q He selected it in Arkansas didn't he? A I think she said it was in Mississippi.
- Q Are you sure that she said Mississippi? Or didn't she say Arkansas or Alabama? A No sir, she said Mississippi.
- Q Where did she say in Mississippi that he selected that land under that certificate issued to him by the government? A She didn't say.
- Q Didn't you ever see that certificate? A No sir.
- Q Are you sure you didn't? A Yes sir.
- Q Where is your mother living now? A Dead.
- Q When did she die? A I don't know sir; it has been a long time; I cant remember the date or the year she died.
- Q Well, now you are thirty-two; did she die when you were a little girl? A I was about maybe twelve or thirteen or fourteen.
- Q And when she died you were living where? A Cedar Town, Georgia.
- Q And she told you all these things about article fourteen and about the treaty of 1830, and about the Commission of 1837 and 1842, and about scrip and certificates at that time when you were a little girl? A Yes sir.
- Q She talked about it a good deal? A Yes sir.
- Q Did she ever live in Mississippi or Alabama? A She said she lived in Mississippi and Alabama too.
- Q Have you ever heard anything about the treaty of 1830, or article fourteen of that treaty, or the Commission of 1837 or the Commission of 1842, from anybody since your mother told you?
- A No sir, nothing only what I have heard her talk about.
- Q And you remember it all and tell it now? A Yes sir.
- Q Do you remember the name of Colonel Ward the United States Indian Agent? A No sir.
- Q Did you hear your mother talk about him? A No sir, I heard her say she wanted to come back to her home but she didn't live to get there.
- Q Where was her home? A In Mississippi.
- Q What part of Mississippi? A I don't know.
- Q How old was your mother when she died? A I don't know. I never heard her say how old she was.
- Q Did she look to be a woman twenty years old? Forty? Sixty or eighty? A She was getting gray.

Lula Lumpkin--8.

- Q Do you speak the Choctaw language? A No sir.
Q Did she speak the Choctaw language? A No sir, not much.
Q Have you any other proof that you want to present now to the Commission in support of your claim? A No sir. I got some more brothers and sisters but they are gone.
Q You have no proof that you want to present now? A No sir.
Q Any documentary evidence or proof of any kind? A No sir.
Q Depositions or witnesses? A No sir, I haven't got any witnesses.
Q Would you like time in which to offer additional evidence or proof? A I don't understand what you are talking about.
Q Well, do you want---? A I said I didn't have any more.
Q I know you said you didn't have more. Do you want time to offer any further evidence? A Yes sir.

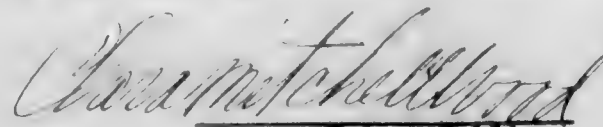
Reasonable time will be allowed this applicant to furnish additional evidence if furnished under the rules of the Commission.

- Q You say you haven't any white blood? A No, not as I know about.

This applicant has the appearance and physical characteristics of being descended from mixed ancestry, negro and either white or Indian blood. She claims not to have any white blood. If she has no white blood, she has a mixture of negro and Indian. She claims to be a Mississippi Choctaw through her mother; claims one-half Choctaw blood. Her recollection of her Indian ancestry is based upon what her mother told her when she was a little girl thirteen years of age and under. She has no other knowledge of the facts stated by her in her testimony except from that source and based upon that recollection; doesn't understand the Choctaw language and has no knowledge of the compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 15th day of January, 1902, and that the foregoing is a full, true and correct transcript of his stenographic notes of said cause on said date.


Subscribed and sworn to before me this 21st day of January, 1902.


Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Class
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Department of the Interior

In the matter of the application of Lula Lumpkin, et
al., for identification as Mississippi Choctaws. M.C.R. 4820.

--: DECISION :--

It appears from the record herein that application for
identification as Mississippi Choctaws was made to this Commission by
Lula Lumpkin, for herself, her four minor children, Nazareth and Jim-
mie Gennell and Holly and Lula Lumpkin, and her minor brother, Louis
McWilliams, under the following provision of the act of Congress ap-
proved June 22, 1894, (28 Stat., 492):

"Said Commission shall have authority to determine
the identity of Choctaw Indians claiming rights in the Choctaw
lands under article fourteen of the treaty between the
United States and the Choctaw Nation, concluded September
twenty-seventh, eighteen hundred and thirty, and to that
end may administer oaths, examine witnesses and perform
all other acts necessary thereto and make report to the
Secretary of the Interior."

It also appears that all of said applicants claim
rights in the Choctaw lands under article fourteen of the treaty be-

(2).

tween the United States and the Cheetaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one James Allen, who is alleged to have been a fullblood Cheetaw Indian, and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that no one of said applicants has ever been enrolled by the Cheetaw tribal authorities as a member of the Cheetaw tribe, or admitted to Cheetaw citizenship by a duly constituted court or committee of the Cheetaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896, (29 Stats., 321).


It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said James Allen, or any of the applicants herein, signified (in person or by proxy), to Colonel Wm. Ward, Indian Agent, Cheetaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842, (5 Stats., 513).

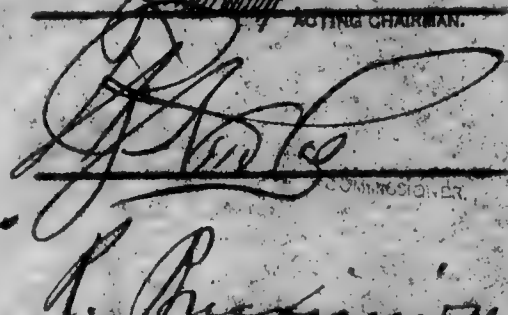
It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lula Lumpkin, Nazareth Conwell, Jimmie Conwell, Rolly Lumpkin, Lula

(3).

Luphin and Lennie McWilliams, 20 Chester Indians entitled to rights in the Chester lands under the provisions of article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.



ACTING CHAIRMAN.


COMMISSIONER.

Washoe, Indian Territory.

JUN 10 1902

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW

Lula Lumpkin Etal.
(M.L.R. 4520)

Muskogee, Indian Territory, January 28, 1902.

Phil Lumpkin,
Wynnewood, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of the twenty fourth instant, inclosing affidavit of Catherine Franklin and certified copy of the marriage license and certificate between Phil Lumpkin and Lula Coldwell, offered in support of the application for identification as Mississippi Choctaws of Lula Lumpkin et al. The same have been filed with the record in this case and will receive consideration in the disposition of the application.

Yours truly,

Acting chairman.

MC 4520

COPY.

M C R 4380

Muskogee, Indian Territory, June 14th, 1908.

Lula Lumpkin,
Wynnewood, Indian Territory.

Dear Madam:-

You are hereby advised that on the 10th day of June, 1908, the Commission to the Five Civilized Tribes rendered a decision in the case of Lula Lumpkin, et al., applicants for identification as Mississippi Choctaws.

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 496) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lula Lumpkin, Hesterth Conwell, Jimmie Conwell, Molly Lumpkin, Lula Lumpkin and Lonnie McWilliams, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of 1830, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior.

Registered,

series for receipt and you will be informed at the time of such
time as may be taken by him.

Yours truly,

(SIGNED)

T. B. Needles

Commissioner in Charge,

Registered,

COPY W C R 4520

Waskogen, Indian Territory, June 14, 1902.

Messrs. Mansfield, McHerry & Gennish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:-

You are hereby advised that on the 10th day of June, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Lula Lumpkin, et al., applicants for identification as Mississippi Choctaws.

These applications were made under the provision of the Act of Congress of June 20, 1892, (27 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lula Lumpkin, Margaret Corwell, Fannie Corwell, Molly Lumpkin, Lula Lumpkin and Lennie McWilliams, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the application for their identification as such should be refused, and it is so ordered."

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COPY.

M.C.R. 4320

Muskogee, Indian Territory, June 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:-

There is transmitted herewith the record in the case of
Lula Lumpkin, et al., applicants to the Commission for identifica-
tion as Mississippi Choctaws, including the decision of the Commis-
sion of June 10th, 1902.

The Commission has the honor to report that the principal
applicant herein, and the attorneys for the Choctaw and Chickasaw
Nations have been duly advised by letter of the action of the Com-
mission, copies of said letter being attached to the record.

Respectfully,

(SIGNED)

Tams Birby.

Acting Chairman.

Through the Commissioner
of Indian Affairs.
1 enclosure.

(Copy)

Land
36108--1902.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs.

Washington. July 24, 1902.

The Honorable,
The Secretary of the Interior.

Sir:

There is enclosed herewith a report dated June 13, 1902 from the Acting Chairman of the Commission to the Five Civilized Tribes forwarding for the Department's consideration a record relative to the application of Lula Lumpkin, et al., for identification as Mississippi Choctaws, claiming rights in the Choctaw lands under the provisions of the 14th article of the treaty of 1830. June 10, 1902 the Commission found that Lula Lumpkin and her minor children, Nazareth Conwell, Jimmie Conwell, Rollie Lumpkin and Lula Lumpkin, and principal applicant's brother Lonnie McWilliams, were not entitled to identification.

The principal applicant in this case attempts to trace descent from James Allen, an alleged full-blood Choctaw. The descent from principal applicant's great grandfather James Allen is attempted to be traced through her grandmother Martha Topuka nee Allen, and her mother Martha McWilliams nee To-tu-ka.

A careful search of the records of this office relative to the Choctaw Indians who complied or attempted to comply with the provisions of the 14th article of the treaty of 1830 has been made for all of said alleged ancestors and no record has been found showing that any of them complied or attempted to comply with the provisions of said article of said treaty, or that they, or either of them applied to the Commission appointed under the Acts of March 3, 1837 and August 23, 1842 for an adjudication of their rights. This being true the decision of the Commission is correct, should be approved, and the office so recommends.

Very respectfully,
Your obedient servant,

A. C. Tonner,
Acting Commissioner.

G. A. W. (E.)

D.C. 12727-1902.

45737

J.W.H.
C.M.R.

I.T.D. 4488-1902
L.R.S.

DEPARTMENT OF THE INTERIOR.
Washington.

August 1, 1902.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

June 14, 1902, you transmitted the record to the matter of the application of Lula Lumpkin for the identification of herself and her four minor children, Nazareth and Jimmie Conwell, and Rolly and Lula Lumpkin, and her minor brother, Lonnie McWilliams, as Mississippi Choctaws; together with your decision of June 10, 1902, refusing to enroll the applicants.

These applicants attempt to trace their ancestry through Martha McWilliams, nee Topuka or Tupulka, an alleged full blood Choctaw woman, to her mother, Martha Topuka or Topulka, nee Allen. The latter was the daughter of James and Martha Allen.

The whole record fails to show that any one of the applicants was ever duly admitted to citizenship in the Choctaw Nation, or that the alleged ancestors, above named, ever complied or attempted to comply with the provisions of article fourteen of the treaty of September 27 1830, or with the Acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513).

The Acting Commissioner of Indian Affairs forwarded your decision on June 30, recommending that the same be approved.

-2-

The Department, upon careful review of the whole case,
approves your action, and your decision is affirmed.

Copy of the report of the Acting Commissioner is inclosed.

Respectfully,

Thos. Ryan

Acting Secretary.

E.M.D.

1 inclosure.

COPY.

M.C.R 4620

Madagascar, Indian Territory, August 13, 1902.

Lula Lumpkin,

Wynnewood, Indian Territory.

Dear Madam:

You are hereby advised that on the 1st day of August, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi electors of the several persons included in the application of Lula Lumpkin, et al., of which decision you were duly advised by registered mail on the 14th day of June, 1902.

Yours truly,

Acting Chairman.

COPY. H.C.R. 4520

McKagge, Indian Territory, August 13, 1902.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
Sobor McAlister, Indian Territory.

Gentlemen:

You are hereby advised that on the 1st day of August, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the application of Lula Lumpkin, et al., of which decision you were duly advised by mail on the 14th day of June, 1902.

Yours truly,

(SIGNED)

Acting Chairman.

M C R 4520

Muskogee, Indian Territory, September 29, 1904

Bond & Melton,

Attorneys at Law,

Chickasha, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 20th instant, relative to the Mississippi Choctaw application of Lula Lumpkin, et al. You state it is your understanding that the records of this office show Lula Lumpkin claimed her mother was on the "Ward Rolls and a 14th article treaty Choctaw," and that the said Lula Lumpkin was rejected by this Commission on account of insufficient testimony in regard to her being the child of the person whom she claimed was her mother. You further state that you feel you now have sufficient evidence to prove the parentage of Lula Lumpkin, and ask to be advised the facts in this case.

In reply to your letter you are informed it appears from our records that on January 15, 1904, Lula Lumpkin appeared before this Commission and made application for the identification of herself, her four minor children, and her brother, Lonnie McWilliams, as Mississippi Choctaws, claiming right to such identification by reason of being a descendant of one James Allen, who is alleged to have been a full blood Choctaw and to have resided in Mississippi in 1830.

B A M 2

On June 10, 1902, the Commission refused the application of Lula Lumpkin for the reason that she had failed to prove that any of her ancestors complied with the provisions of the 14th article of the Choctaw treaty of 1830. This decision of the Commission was approved by the Secretary of the Interior on August 1, 1902, and the case is now considered closed.

You are further advised that this office has no authority to now receive or consider any further evidence in support of the Mississippi Choctaw application of Lula Lumpkin, et al.

Respectfully,

Chairman.

M C R 4520

Muskogee, Indian Territory, March 29, 1905.

Lula Lumpkin,
c/o Bond & Melton,
Chickasha, Indian Territory.

Dear Madam:

There are returned you herewith certain affidavits forwarded this office in support of your application for identification as a Mississippi Choctaw. As the Secretary of the Interior on August 1, 1902, approved the Commission's decision of June 10, 1902, refusing your application, we are now without authority to receive or consider any further evidence in support of your claim.

Respectfully,

Chairman.

Mem 99

Muskogee, Indian Territory, July 19, 1905.

Bond & Melton,

Attorneys at Law,

Chickasha, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 30th ultimo, requesting the return of the marriage certificate between Phil Lumpkin and Lula Caldwell, filed with the Commission to the Five Civilized Tribes in support of the application for the identification of Lula Lumpkin as a Mississippi Choctaw.

In reply you are advised that on August 1, 1902, the Secretary of the Interior approved the decision of the Commission to the Five Civilized Tribes dated June 10, 1902, refusing the application for the identification of Lula Lumpkin, et al, as Mississippi Choctaws.

In all Mississippi Choctaw cases where the decision adverse to the applicants is approved by the Secretary of the Interior, the papers in the case are not returned to this office but are retained by the Department. We are therefore unable to comply with your request.

Respectfully,

Commissioner.

MCR 4520

Muskogee, Indian Territory, November 1, 1905.

John H. Venable,
Attorney at Law,
Chickasha, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 21st ultimo, requesting to be advised if the name of James Allen appears upon the old Choctaw roll of 1830.

In reply to your inquiry you are advised that the records of the Choctaw Nation in the possession of this office have been carefully examined and the name of James Allen is not found thereon.

Respectfully,

Commissioner.

MOR 4520

Muskogee, Indian Territory, November 16, 1905.

John H. Venable,
Chickasha, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 13th instant, in which you state you have received a letter from this office advising you that the name of James Allen does not appear on the old Choctaw rolls. You request that the records be examined again for this name and that of Martha Allen and Martha Tapulka.

It is also stated in your letter of the 13th instant that Lula Lumpkin, the great granddaughter of James Allen, alleges that while before the Commission to the Five Civilized Tribes at Muskogee some two years ago, she was informed that the names of James Allen, Martha Allen and Martha Tapulka appeared on the old rolls of 1830.

The statements of your client are apparently in error, as a further examination has been made of the records of the Choctaw Nation in the possession of this office, and the names in question are not found thereon.

Respectfully,

Commissioner.

(2)

Section 1 of the Act of Congress approved April 26, 1906
(Public No. 129), provides in part as follows:

"No motion to reopen or reconsider any citizenship case, in any of said tribes, shall be entertained unless filed with the Commissioner to the Five Civilized Tribes within sixty days after the date of the order or decision sought to be reconsidered except as to decisions made prior to the passage of this Act, in which cases such motions shall be made within sixty days after the passage of this Act."

In view of the above legislation there is apparently no relief for Mrs. Lumpkin and the decision of the Commission to the Five Civilized Tribes as affirmed by the Department August 1, 1902, is final.

I herewith transmit the letter of Loula Lumpkin and the affidavit attached thereto to be filed with the record in this case which is now presumably in the office of the Commissioner of Indian Affairs.

Respectfully,

Commissioner.

Through the Commissioner
of Indian Affairs.

McM 1/3

Muskogee, Indian Territory, August 1, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

The Department, under date of July 19, 1906, referred to me for consideration and appropriate action, a letter of Loula Lumpkin of Chickasha, Indian Territory, dated July 8, 1906, and addressed to the President of the United States.

With the letter of Loula Lumpkin was enclosed the affidavit of Richard W. Kent, A. S. Thurmond, W. D. Bridges and Foster Peak. This letter and the affidavits enclosed therewith were received by this office July 23, 1906. The writer, Loula Lumpkin, was an applicant for identification as a Mississippi Choctaw in the case of Loula Lumpkin, et al., M C R 4520, wherein a decision adverse to the applicants was rendered by the Commission to the Five Civilized Tribes June 10, 1902.

The Department on August 1, 1902 (I T D 4488-1902), affirmed the decision of the Commission to the Five Civilized Tribes of June 10, 1902.

The affidavits now submitted by Mrs. Lumpkin are evidently for the purpose of securing a reopening and reconsideration of her application for identification as a Mississippi Choctaw.

M C R 4520

Muskogee, Indian Territory, November 12, 1906.

Loula Lumpkin,

R. F. Box 49,

Chickasha, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 5th instant, requesting to be advised what action has been taken on the affidavits forwarded by you to the Secretary of the Interior and which were referred to this office.

In reply you are informed that your letter of July 8, 1906, addressed to the President of the United States, and with which was transmitted the affidavits of Richard W. Kent, A. S. Thurmond, W. D. Bridges and Foster Peek, was referred to this office by the Secretary of the Interior under date of July 19, 1906, for consideration and appropriate action.

August 1, 1906, said letter and accompanying affidavits were returned to the Department to be filed with the record in your case. The affidavits were evidently submitted for the purpose of securing a rehearing of your application for identification as a Mississippi Choctaw, and the opinion was expressed by this office that there was no relief for you inasmuch as the time for filing motions for rehearings in Mississippi Choctaw cases that had already been rejected expired June 25, 1906.

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It is presumed that the record in your case, and all papers relating thereto, is now in the office of the Commissioner of Indian Affairs at Washington, D. C.

Respectfully,

Commissioner.

JP
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DEPARTMENT OF THE INTERIOR,
Washington.

I.T.D. 22946-1906.

November 22, 1906.

LRS

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir :--

Referring to your letter of August 1, 1906, reporting upon a letter from Loula Lumpkin concerning her claim to identification as a Mississippi Choctaw, you are advised that the applicant has been informed in accordance with your recommendation.

A copy of the Indian Office Letter of November 16, 1906, submitting your report, was sent to her. The other papers have been returned to the Indian Office.

Respectfully,

(Signed) Thos. Ryan,

3 ind. to Ind. Of.

First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

No. 4520

For Identification as a Mississippi Choctaw

JAN 15 1902

Date 15 1902

Name Lula Lumpkin

Age 32

Blood

Post Office, Wynnewood, Ind.

Father: Jim M. Williams, (negro)

Mother: Martha " Full blood

Claims through mother
husband (2)

Phie Lumpkin, l. negro

No claim for
husband

Children:

Nazareth Conwell, (F) 14

Jimmie " (M) 10.

Father of above was
Jim Conwell, 1st husband,
deceased, (negro).

Rolly Lumpkin, M 5

Lula " F 1

5. Lonnie M. Williams 18

Brother of Lula Lumpkin
of whom she has care &
custody.

Applies for self & 5 children

to M. Williams.

Choctaw MCR 4521

Benjamin F. Dumas

See MCR 4006

MCR 4521

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. January 17, 1902.

4521

In the matter of the application of Benjamin F. Dumas for
identification as a Mississippi Choctaw.

J.C. Ralls, attorney for applicant.

Benjamin F. Dumas being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Benjamin F. Dumas.
Q What is your age? A Sixty six years old.
Q What is your post office address? A Clarksville, Texas.
Q How long have you lived in Clarksville? A About thirteen or four-
teen years.
Q Where did you live before? A Paris County, Texas.
Q Where were you born? A Franklin County, Georgia.
Q When did you leave Georgia? A In '59.
Q And have you lived in Texas since? A Yes, except the time I was
in the army.
Q Is your father living? A No sir; dead.
Q What was his name? A David Dumas.
Q Is your mother living? A No sir; dead.
Q What was her name? A She was eighty years old; her name was
Eliza Dumas.
Q Through which parent do you claim your Choctaw blood? A Under my
grandmother.
Q Do you claim through your father or mother? A My father.
Q How much Choctaw blood do you claim? A We claim a sixteenth.
Q That is, you claim that yourself? A Yes sir.
Q Was your father ever recognized in any way or enrolled as a member
of the Choctaw tribe of Indians by the Choctaw tribal authorities or
the authorities of the United States in the Indian Territory? A No
sir; not that I know of.
Q Do you remember when and where your father and mother were married?
A In Franklin County, Georgia.
Q Do you remember the date? A They was married in 1834, the 20th
of March.
Q By a minister and under a license? A I reckon so, sir.

Q Have you the marriage license and certificate with you? A No sir.

Q Can you introduce proof of their marriage later? A I think I can get a certificate.

A reasonable time will be allowed you for this purpose.

Q Are you married? A Yes sir.

Q What is your wife's name? A Mary L. Dumas.

Q Has she any Choctaw blood? A No sir. Not that I know of.

Q She is a white woman? A Yes sir.

Q Do you make any claim for her? A No sir.

Q Have you any children under twenty one years of age and unmarried for whom you want to make application? A No sir.

Q You make application just for yourself alone? A Yes sir.

Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.

Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.

Q Have you ever made application for identify citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the Act of Congress of June 10, 1896? A No sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.

Q Do you now come before the Commission for the purpose of being identified as a Mississippi Choctaw claiming under the fourteenth article of the treaty of 1830? A Yes sir.

Q Do you understand that article of that treaty? A Yes sir; I think I do.

Q Do you want to have it further explained to you? A No sir.

Q I will read it without the explanation:

Article fourteen is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become a citizen of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Did any of your ancestors comply with any of the provisions of that article of that treaty to your knowledge? A No sir; I don't know anything about it.

Q What is the name of your ancestor through whom you claim your right

to be identified as a Mississippi Choctaw? A Elizabeth Brasher.
Q How do you spell it? A B-r-a-z-i-a-r; I think its spelled that way; its spelled several ways.

(Attorney for applicant says B-r-a-s-h-e-a-r-s)

Q Was that her maiden name; was that her name before she married?
A Yes; I think so.
Q What was her husband's name? A Elhanan Dumas. E.W. it was.
Q Was he a white man? A Yes sir.
Q How much Choctaw blood did his wife, Elizabeth have? A A fourth they claimed; I have been informed.
Q Did she live in Mississippi in 1830 and did she have a family there at that time? A A I don't know.
Q Do you know whether she ever lived in Mississippi? A I don't know; she died when I was small.
Q Did she ever live in Alabama? A I don't know.
Q Do you know whether any of your Choctaw ancestors owned any improvements on land in Mississippi or Alabama in 1830? A I don't
Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian agent Col. Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States? A I don't know sir.
Q Did you ever hear that any of them went from the old Choctaw Nation to the new Choctaw Nation Indian Territory between 1833 1838 or 1840 with the other Indians? A I- no sir;
Q Did any of your Choctaw ancestors own any lands in Mississippi or Alabama or claim any under article fourteen of the treaty of 1830? A I don't know sir.
Q Did any of them own or claim any land or any benefits under any other article of the treaty of 1830 than article fourteen or under the supplementary articles of that treaty? A I don't know, sir.
Q Did they ever, to your knowledge, claim or receive any benefits under any treaty made between the United States Government and the Choctaw Indians other than the treaty of 1830? A I don't know.
Q How old would Elizabeth Brashers be if she were living now?
A I can't tell you that.
Q Don't you know when she was born? A No sir.
Q Or died? A No sir.
Q You claim through your father, David Dumas? A Yes sir.
Q And he claimed through which parent? A His mother.
Q What was her name? A Elizabeth Brashers.
Q Elizabeth Brashers was your grandmother, then? A Yes sir.
Q Your father's mother? A Yes sir.
Q Where was David Dumas, your father, born? A I can't tell you.
Q Where did he die? A In Tattoo County, Georgia.
Q Did he ever live in Mississippi? A I think not.

The Choctaw Indians who remained in the old Choctaw Nation in Mississippi and Alabama after the treaty of 1830 was ratified were required if they wished to take advantage of the provisions of the fourteenth article of the treaty of 1830 to go to the United States Indian agent whose name was Col. Ward within six months from the ratification of the treaty and tell him they wanted to stay in Mississippi, take land there and become citizens of the States. A good many Choctaws did this whose names Col. Ward failed to put upon his list

known as Ward's Register; his failure to make a proper record of all the applicants who came before him under the fourteenth article of that treaty caused a good many Indians who held land in Mississippi to lose both the land and the improvements they had upon it; both were taken from them by the United States Government and sold at its Public Land Sale; this caused so many complaints among the Choctaw Indians that in 1837 by Act of Congress approved March 3, that year, Congress appointed a Commission which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed by Congress for the same purpose by Act of Congress approved August 23, that year, and this Commission also went to Mississippi and heard claimants under article fourteen of that treaty.

Q Do you know if any of your ancestors ever went before either of these two Commissions and claimed benefits under article fourteen of the treaty of Dancing Rabbit Creek? A No sir.

The Act of Congress approved August 23, 1842, provided that if any Choctaw Indian proved his right under article fourteen of the treaty of 1830 if it further appeared that he had had land taken from him by the United States Government in Mississippi and sold that he should be entitled to select land to replace the land taken from him and he could take that land either in Mississippi, Alabama, Louisiana or Arkansas; and his right to do so would be evidenced by a certificate or scrip as it was called, issued to him by the Government.

Q Did any of your Choctaw ancestors receive any such scrip as Choctaw Indians? A Not that I know of.

Q Do you speak the Choctaw language? A No sir.

Q Do you know whether Elizabeth Brashears had an Indian name; any other name besides the one you knew her by? A That's the only one I know.

Q Have you any proof or evidence you want to submit or any documents you want to offer? A ---

Attorney says he wants time to do so; a reasonable time will be allowed this applicant in which to present proper evidence in support of this application if presented under the rules of the Commission.)

Q Will you give the names of some of your relatives who have come here to be identified as Mississippi Choctaws claiming through this same common ancestor. A Scott S. Dumas, Dan H. Dumas; Louis Dumas; T.M. Dumas; Belle Leslie; Victoria Pierce.

Q And others? A Yes sir.

Q Are these all relatives of yours? A Yes sir.

Q Are they all descended from Elizabeth Brashears? A Yes sir.

Q Do you want to have the testimony of all those who are descended from Elizabeth Brashears and who have made application here considered with yours in order that you may get the benefit also of their testimony? A Yes sir.

Q Is there anything further you want to say in support of your case? A No sir.

Examination by J.G.Halls:

Q Have you any children? A Yes sir.
Q What are the names? A J.D.Dumas; Mistress Maud Terry.
Q Are they here today for the purpose of applying? A Yes; and there is Mrs. Lottie McCoy.
Q Are these all the children you have? A Yes sir.
Q That's all.

-1-1-;-1-

This applicant has the appearance and features of a person descended from white parentage; medium fair complexion, brown hair, sandy mustache, blue eyes. He does not understand the Choctaw language and has no knowledge of the compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of 1830.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on January 17, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 18th day of January, 1902.

Clara Mitchell Wood
Notary Public.

COMMISSIONERS.
TAMM BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE,
W. E. STANLEY

ALLISON L. AYLESWORTH,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

COPY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M. C. R. 4521.

MUSKOGEE, INDIAN TERRITORY, May 15, 1903.

Benjamin F. Dumas,
Clarksville, Texas.

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Scott S. Dumas, et al., embracing the following applications for identification as Mississippi Choctaws:

Scott S. Dumas, et al.,	M. C. R. 4006
Miles G. Lantrip,	M. C. R. 4737
Mary P. Phillips, et al.,	M. C. R. 4738
Isom Lantrip,	M. C. R. 4739
William T. Brasher, et al.,	M. C. R. 4740
Andy Brasher, et al.,	M. C. R. 4741
Robert L. Brasher,	M. C. R. 4742
Albert Collums,	M. C. R. 4743
James S. Collums,	M. C. R. 4744
Thaddeus W. Dumas,	M. C. R. 5737
Aurelius W. Dumas,	M. C. R. 5726
Alexander Dumas, et al.,	M. C. R. 6113
Sharkey H. Roth,	M. C. R. 5845
Mary E. Carothers, et al.,	M. C. R. 5700
Carrie McConico, et al.,	M. C. R. 5520
Bernard A. Williams, et al.,	M. C. R. 5144
Maud Cain, et al.,	M. C. R. 5807
Claude A. Grantham, et al.,	M. C. R. 5714
James J. Dumas, et al.,	M. C. R. 5717
Sydney L. Dumas,	M. C. R. 5803
Adella Caroline Hardin, et al.,	M. C. R. 5698
Lulu K. Smith, et al.,	M. C. R. 5699
Benjamin F. Dumas,	M. C. R. 4521
James D. Dumas, et al.,	M. C. R. 4524
Ennis Palmer, et al.,	M. C. R. 5857
Maud Terry, et al.,	M. C. R. 4525
Lottie McCoy,	M. C. R. 4522
Jane E. McCreary,	M. C. R. 4523
Mary C. L. Hollis, et al.,	M. C. R. 4222
William H. Hollis, et al.,	M. C. R. 4311
Lawrence W. Hollis, et al.,	M. C. R. 4310
Minnie H. Nicolds, et al.,	M. C. R. 4312
Mary C. McLeod, et al.,	M. C. R. 4318
Hattie E. Andrews, et al.,	M. C. R. 4314
Charlie T. Skinner, et al.,	M. C. R. 4315

Thomas H. Hollie,	M. C. R. 4309
Blanche G. Merchant,	M. C. R. 4223
Lawrence W. Dumas, et al.,	M. C. R. 5731
Mary A. Wade, et al.,	M. C. R. 5823
Willie P. Dumas, et al.,	M. C. R. 5810
John R. Dumas, et al.,	M. C. R. 5701
Carrie A. Wilkerson, et al.,	M. C. R. 5703
Maggie Ida Dumas,	M. C. R. 5702
William P. Mims,	M. C. R. 5985
Ransom E. Mims, et al.,	M. C. R. 5858
Frank E. Dumas,	M. C. R. 5732
Ben M. Dumas,	M. C. R. 5811
Edward W. Blakey, et al.,	M. C. R. 5425
Nannie Black, et al.,	M. C. R. 4185
Charles H. Black,	M. C. R. 4200
Ammon Wood, et al.,	M. C. R. 4202
Willie Wood,	M. C. R. 4203
Ellington Wood,	M. C. R. 4199
Edna Fry,	M. C. R. 4286
Robert B. Shipp, et al.,	M. C. R. 4285
Maria J. Crawford, et al.,	M. C. R. 4115
Majie J. Crawford Cole, et al.,	M. C. R. 4116
Elizabeth Baxter Caldwell, et al.,	M. C. R. 4114
Jennie B. H. Calhoun, et al.,	M. C. R. 4117
J. M. Crawford, et al.,	M. C. R. 4094
Robert H. Crawford,	M. C. R. 4164
Edna M. Folliard, et al.,	M. C. R. 4168
Everett B. Crawford, et al.,	M. C. R. 4165
Edwin R. Crawford,	M. C. R. 4077
Pinkie Creager, et al.,	M. C. R. 4169
Fannie Sharp, et al.,	M. C. R. 4433
George H. Gresham,	M. C. R. 4098
Oliver P. Gresham, et al.,	M. C. R. 4095
Robert O. Gresham, et al.,	M. C. R. 4201
Erma Biglow,	M. C. R. 4435
David E. Dumas,	M. C. R. 4651
DeBerry G. Dumas, et al.,	M. C. R. 4119
Birdie D. Carlet, et al.,	M. C. R. 4123
Mack O. Dumas,	M. C. R. 4658
Susan M. Hendricks,	M. C. R. 4121
Onia Ann Stephens, et al.,	M. C. R. 4096
Jackson E. Hendricks, Jr., et al.,	M. C. R. 4126
Mary H. Decker, et al.,	M. C. R. 4122
Helen Martin, et al.,	M. C. R. 4097
John W. Dumas,	M. C. R. 5012
Ada B. Ewing, et al.,	M. C. R. 4284
Minnie P. Dumas,	M. C. R. 5011
Malinda Blanks, et al.,	M. C. R. 4118
William C. Blanks, et al.,	M. C. R. 4135
Robert E. Blanks, et al.,	M. C. R. 4139
Nora E. Binford,	M. C. R. 4125
Birdie A. Wilson, et al.,	M. C. R. 4134
Albert G. Dumas, et al.,	M. C. R. 4631
Roxanna Freeman, et al.,	M. C. R. 4850
Arizona Elizabeth Daniels, et al.,	M. C. R. 4633
Dixie Dumas Connolly, et al.,	M. C. R. 4632
Maude Florence Clark, et al.,	M. C. R. 5713
May L. Brown,	M. C. R. 5725

Murat Dumas, et al.,	M. C. R. 5715
Lula A. Dumas,	M. C. R. 5716
Lena Fulton, et al.,	M. C. R. 4144
Lauren Scott Cannon, et al.,	M. C. R. 4145
Eula Umphress, et al.,	M. C. R. 4146
Pearl Barron, et al.,	M. C. R. 4147
James W. Wheat, et al.,	M. C. R. 4695
Ivy A. Fowler,	M. C. R. 4696
Dan H. Dumas, et al.,	M. C. R. 3766
Eula D. Shivel,	M. C. R. 4075
Walter W. Dumas,	M. C. R. 4015
James P. Dumas,	M. C. R. 3503
Travis M. Dumas, et al.,	M. C. R. 4007
Verna J. Dumas, et al.,	M. C. R. 4140
Laura D. Cole, et al.,	M. C. R. 4141
Victoria J. Pierce, et al.,	M. C. R. 4066
Lee W. T. Herman,	M. C. R. 4254
Annie B. Wallace, et al.,	M. C. R. 4250
Louis Dumas, et al.,	M. C. R. 4014
Belle Leslie, et al.,	M. C. R. 4067
John F. Sanders, et al.,	M. C. R. 5445
Nancy J. Whorton, et al.,	M. C. R. 5446
James L. Sanders,	M. C. R. 5560
Julia A. Wells,	M. C. R. 5559
Emsley M. Sanders, et al.,	M. C. R. 5804
Cora C. Bond, et al.,	M. C. R. 4620
Margaret K. Aston, et al.,	M. C. R. 4562
Mary Jane Damron, et al.,	M. C. R. 5805
William E. Aston, et al.,	M. C. R. 4583
Vic Damron, et al.,	M. C. R. 4619
Cynthia Jane Dicken, et al.,	M. C. R. 4582
William T. Sanders, et al.,	M. C. R. 5444
James P. Sanders, et al.,	M. C. R. 4069
Missieniah Ellison, et al.,	M. C. R. 4154
Lillie Page, et al.,	M. C. R. 4155
Walter H. Thompson,	M. C. R. 4142
Jeff D. Thompson, et al.,	M. C. R. 4016
Mary A. Ferguson, et al.,	M. C. R. 4772
Vergie J. Powers, et al.,	M. C. R. 4773
Willie E. Ferguson, et al.,	M. C. R. 4774
Alonzo A. Ferguson,	M. C. R. 4775
Sue A. Thompson, et al.,	M. C. R. 4389
Ada Thompson,	M. C. R. 4076
Emma C. Canon, et al.,	M. C. R. 3414
Winnie D. Canon,	M. C. R. 3415
Delmer Canon,	M. C. R. 3761
George Thompson, et al.,	M. C. R. 3756
George Homer Thompson,	M. C. R. 3757
Ida Sandford,	M. C. R. 3759
Lula Thompson Noe, et al.,	M. C. R. 3760
Verner L. Dumas,	M. C. R. 5719
James Don Dumas, et al.,	M. C. R. 5720
Claude E. Dumas, et al.,	M. C. R. 5721
Missie E. Biggerstaff, et al.,	M. C. R. 5722
Nettie A. Woolverton,	M. C. R. 6185
Elizabeth Wood,	M. C. R. 6268
Eula P. Niswander, et al.,	M. C. R. 6342
Lawrence L. Thompson, et al.,	M. C. R. 6373

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Scott S. Dumas, Ruth Dumas, Miles G. Lantrip, Mary P. Phillips, Early E. Phillips, Esther E. Phillips, Maud E. Phillips, Leo R. Phillips, Myrtle Phillips, Leland Phillips, Durelle Phillips, Rex Phillips, Isom Lantrip, William T. Brasher, Malt Brasher, Vaudy Brasher, Cordy Brasher, Andy Brasher, Ada Brasher, William C. Brasher, Robert L. Brasher, Albert Collums, James S. Collums, Thaddeus W. Dumas, Aurelius W. Dumas, Alexander Dumas, Dixie M. Dumas, Melville Sidney Dumas, Charles I. Dumas, Sharkey H. Roth, Mary E. Carothers, Ida Blanche McClurg, Susie May McClurg, Ada Maud McClurg, Monroe McClurg, Carrie McConico, Nannie May Mobley, Henry Pope Mobley, Willie McConico, Bernard A. Williams, Marcells Williams, John Williams, Vernie Williams, Maud Williams, Hattie Williams, Maud Cain, John Joseph Cain, Ida May Cain, Claude A. Grantham, Claudia May Grantham, James J. Dumas, Lawrence Dumas, Sydney L. Dumas, Adella Caroline Hardin, Ollie Caroline Hardin, Clyde Abraham Hardin, Lula K. Smith, Opal Smith, Benjamin F. Dumas, James D. Dumas, Abbie A. Dumas, James H. Dumas, Gladys Dumas, Benjamin Dumas, Ennis Palmer, Edgar Palmer, Erbert Palmer, Maud Terry, Moina Terry, Dumas Terry, Millwee Terry, Lottie McCoy, Jane E. McCreary, Mary C. L. Hollis, Linnie L. Hollis, William H. Hollis, William H. Hollis, Jr., Lawrence W. Hollis, Eva M. Hollis, Lawrence W. Hollis, Jr., Beatrice M. Hollis, Scott W. Hollis, Minnie H. Nicolds, Richard Nicolds, Hollis Nicolds, Kate Nicolds, Edward Nicolds, Minnie Nicolds, Mary C. McLeod, Mary L. McLeod, Hattie E. Andrews, Max R. Andrews, Jr., Hattie E. Andrews (2), Charlie T. Skinner, Blanche L. Skinner, Thomas H. Hollis, Blanche G. Merchant, Lawrence W. Dumas, Mallie T. Dumas, Annie C. Dumas, Katie L. Dumas, Jamie S. Dumas, Lawrence W. Dumas, Jr., Mary A. Wade, Edgar D. Wade, Glennan A. Wade, Willie P. Dumas, Jennie W. Dumas, Clark G. Dumas, Faris Dumas, John R. Dumas, Walter A. Dumas, Justin R. Dumas, Carrie A. Wilkerson, James A. Wilkerson, Walter D. Wilkerson, Maggie Ida Dumas, William P. Mims, Ransom E. Mims, Oscar M. Mims, William T. Mims, Frank E. Dumas, Ben M. Dumas, Edward W. Blakey, Edna Blakey, John Blakey, Nannie Black, Catherine Black, Charles H. Black, Ammon Wood, Willie A. Wood, Leslie B. Wood, Willie Wood, Ellington Wood, Edna Fry, Robert B. Shipp, Ruby B. Shipp, Maria J. Crawford, Lucille Crawford, Ghent Crawford, Ed S. Crawford, Jr., Jodie F. Crawford, Majie J. Crawford Cole, Jewel I. Cole, James A. Cole, Susie M. Cole, Christine Cole, Majie Douglass Cole, Elizabeth Baxter Caldwell, Mabel E. Caldwell, Jodie Lee Caldwell, Jennie B. H. Calhoun, Owen H. Calhoun, Edwin C. Calhoun, J. M. Crawford, Edwin Dickey Crawford, Hattie May Crawford, James M. Crawford, Jr., Ellen Lee Crawford, Robert H. Crawford, Edna M. Folliard, Crawford J. Folliard, Aileen Folliard, Cecil H. Folliard, William Richard Folliard, Everett B. Crawford, Everett B. Crawford, Jr., Edwin R. Crawford, Pinkie Creager, Margaret E. Creager, Fannie Sharp, Dan M. Sharp, Charlotte Jane Sharp, George H. Gresham, Oliver P. Gresham, Lizzie D. Gresham, Frances Margret Gresham, Robert O. Gresham, Hill Campbell Gresham, Erma Biglow, David E. Dumas, DeBerry G. Dumas, Walter A. Dumas, Birdie D. Carlet, Glenna W. Carlet, Helen C. Carlet, Mack O. Dumas, Susan M. Hendricks, Onia Ann Stephens, Leno A. Stephens, Harold Richard Stephens, Louise Stephens, Vernon Stephens, Charles Edwin Stephens, Jr., Jackson E. Hendricks, Jr., Hallie H. Hendricks, Ruth Hendricks, Rubie Hendricks, Mary H. Decker, William H. Decker, Jr., Susan H. Decker, Helen Martin, Vera Martin, Alma Martin, Samuel Martin, John W. Dumas, Ada B. Ewing, Freda Ewing, Mabel Ewing, Minnie P. Dumas, Malinda Blanks, Arthur Blanks, William C. Blanks, Ruth J. Blanks, Mary G. Blanks, Robert E. Blanks, Robert E. Blanks, Jr., Nora E. Binford, Birdie A. Wilson, John H. Wilson, Albert G. Dumas, Arline Dumas, Lisle Dumas, Dixie D. Dumas, Roxanna Freeman, William Clyde Freeman, Arizona Elizabeth Daniels, Stafford Livonia Daniels, Dixie Dumas Connolly, Sybil Connolly, Frank C. Connolly, Maude Florence Clark, Irene L. Clark, May L. Brown, Murat Dumas, Eugene Dumas, Lula A. Dumas, Lena Fulton, J. Harold Fulton, Clifford C. Fulton, Lauren Scott Cannon, Josiah R. Cannon, Kathleene Cannon, Eula Umphress, Carl C. Umphress, Helen M. Umphress, Pearl Barron, Guyon Elizabeth Barron, James W. Wheat, Dumas Wheat, Ivy A. Fowler, Dan H. Dumas, Harriet Pinkey Dumas, Eula D. Shivel, Walter W. Dumas, James P. Dumas, Travis M. Dumas, Lige F. Dumas.

Verna J. Dumas, Hazel A. Dumas, Laura D. Cole, Dorothy Cole, Victoria J. Pierce, Louis Pierce, Arthur Pierce, Lee W. T. Herman, Annie B. Wallace, Gladys Wallace, Marvin Wallace, Hortense Wallace, Ferrol Wallace, Louis Dumas, Ward Lamon Dumas, Fred Dumas, Mary A. E. Dumas, Belle Leslie, Gerline Leslie, Mae D. Leslie, Lloyd Leslie, Karl Leslie, John F. Sanders, Robert D. Sanders, Cynthia Beatrice Sanders, Turner Lee Sanders, Nancy J. Whorton, Mabel Whorton, James L. Sanders, Julia A. Welle, Emsley M. Sanders, Dottie Sanders, Cora C. Bond, Callie Bond, Ray M. Bond, Clede Bond, Margaret K. Aston, Belva Lockwood Aston, Mary Jane Damron, Emma J. Damron, Claud M. Damron, Maud Damron, Lila C. Damron, Walter W. Damron, Minnie Damron, Mamie Damron, Joseph Scott Damron, William E. Aston, Eula M. Aston, Verna D. Aston, Texanna Aston, Willie Eunice Aston, Lonie H. Aston, William Edward Aston, Jr., Vic Damron, Clara Bell Damron, Hugh Ella Damron, Jimmie Otha Damron, Nora May Damron, Willie Monroe Damron, Cynthia Jane Dicken, John R. Ferguson, William T. Sanders, Louis Burke Sanders, Wilda D. Sanders, James P. Sanders, Nellie Sanders, Cora Sanders, Olive Sanders, Missieniah Ellison, Lena Nichols, Alma Ellison, Lillie Page, Marie Page, Catharine Page, Walter H. Thompson, Jeff D. Thompson, Clarence E. Thompson, James A. Thompson, Willie L. Thompson, Madeline F. Thompson, Gracie L. Thompson, Elsie Thompson, Mary L. Thompson, Minnie L. Thompson, Essie B. Thompson, Myrtle Thompson, John L. Thompson, Mary A. Ferguson, Julia A. Ferguson, Jeff Ferguson, Scotty S. Ferguson, Georgie B. Ferguson, Loverd E. Ferguson, Vergie J. Powers, Murray Powers, Maybell Powers, Willie E. Ferguson, Vergie B. Ferguson, Frank G. Ferguson, Alonzo A. Ferguson, Sue A. Thompson, May Thompson, Ada Thompson, Emma C. Canon, Emsley J. Canon, Alexander Canon, Tullie Clyde Canon, Winnie D. Canon, Delmer Canon, George Thompson, Charlie W. Thompson, Luther Bell Thompson, Mary Gertrude Thompson, George Homer Thompson, Ida Sanford, Lula Thompson Noe, Chester William Noe, Verner L. Dumas, James Don Dumas, Ella May Dumas, Claude E. Dumas, Jim Dumas, Missie E. Biggerstaff, Dora Biggerstaff, John M. Biggerstaff, Winnie Biggerstaff, Gladys Biggerstaff, Nettie A. Woolverton, Elizabeth Wood, Eula P. Niswander, Mildred Niswander, Lawrence L. Thompson, Mildred Bell Thompson, Lawrence L. Thompson, Jr., Cornelia Elizabeth Thompson and Willie Thompson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

James D. Diney.

Chairman.

Registered.

COPY.

MCR 4521

Muskogee, Indian Territory, January 22, 1906.

Benjamin F. Dumas,
Clarksville, Texas.

Dear Sir:

You are hereby notified that the Secretary of the Interior on January 5, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, refusing the applications of the several persons in the consolidated Mississippi Choctaw case of Scott S. Dumas, et al., of which the application for your identification as a Mississippi Choctaw is a part.

Respectfully,

SIGNED

Tamm

Commissioner.

No. 4521

For Identification as a Mississippi Choctaw.

Date

JAN 17 1902

Name Benjamin F. Dumas

Age 66

Blood $\frac{1}{16}$

Post Office, Clarksville, Texas.

Father: David Dumas, d.

Mother: Eliza " d.

Claims through father
wife.

~~to~~ Mary L. Dumas, w.

No claim for wife.

Children:

Claims for self
alone.

H. H. Haine

Choctaw MCR #522

Lottie McCoy

See MCR 4006

MCR 4522

Department of the Interior/
Commission to the Five civilized Tribes.
Muskogee, I.T. January 17, 1902.

4522

In the matter of the application of Lottie McCoy for identification as a Mississippi Choctaw.

J.G.Ralls, attorney for applicant.

Lottie McCoy being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Mistress Lottie McCoy.
Q What is your age? A I will be thirty years old the 26th of January.
Q What is your post office address? A Durant, Indian Territory.
Q How long have you lived there? A Been there two years.
Q Where were you before that? A Clarksville, Texas.
Q How long did you live there? A Nearly all my life; I was raised there.
Q Were you born in Texas? A Yes sir; born in Franklin County, Texas.
Q Is your father living? A Yes, that's him; Benjamin F. Dumas; you have his name.
Q He made application on this date, January 17, to be identified as a Mississippi Choctaw? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is her name? A Lucinda; Mary L. Dumas.
Q You claim through your father? A Yes sir.
Q How much Choctaw blood do you claim? A A thirty second.
Q Has your father ever been recognized in any manner or enrolled as a member of the Choctaw tribe by the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A No sir.
Q When and where were your father and mother married? A In Franklin County, Georgia.
Q What date? A 1858
Q Have you the marriage license and certificates of your parents with you? A No sir.
Q do you think you can produce it if given time? A Yes sir.

Reasonable time will be allowed you for that purpose.

- Q Are you married? A Yes sir.
Q What is your husband's name? A W.G.McCoy.

- Q I suppose he is a white man? A Yes sir.
- Q And living? A Yes sir.
- Q Do you make any claim for him? A No sir.
- Q Have you any children under twenty one years of age and unmarried?
- A No sir; I have no children.
- Q You just apply for yourself? A Yes sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory?
- A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the Act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory?
- A No sir.
- Q Is this the first application of any kind that you have ever made?
- A Yes sir.
- Q Do you now come before the Commission for the purpose of being identified as a Mississippi Choctaw under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article of that treaty? A Yes; sufficiently.
- Q You don't care to have it further explained? A No sir.
- Q The article, without the explanation, reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands in tending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of Choctaw citizens but if they ever remove are not to be entitled to any portion of the Choctaw annuity."
- Q Did any of your ancestors comply with any of the provisions of that article of that treaty? A I don't know.
- Q Through whom do you claim your Indian descent? A My great-grandmother.
- Q What was her name? A Elizabeth Brashears.
- Q That was her maiden name? A Yes sir; she married a Dumas.
- Q What was his name? A P something; P.W.Dumas.
- Q Was he a white man? A Yes sir.
- Q Did he live in-- did she, your great-grandmother, live in Mississippi in 1830? A I don't know.
- Q Did she ever live in Mississippi? A I don't know.
- Q Don't know whether she had a family there in that States at that time or not? A No sir.

Q How old would she be if living now? A I don't know.
Q Do you know when or where she was born? A No sir.
Q Do you know when or where she died? A No sir.
Q Do you know where she lived during the greater portion of her life? A No sir.
Q You claim through your father, Benjamin F. Dumas? A Yes sir.
Q He claims through which parent, father or mother? A Through his mother.
Q In his application he made today he says he claimed through his father. A Yes sir.
Q His father's name was what? A Dumas.
Q What was his first name? He says he claims through his father, David Dumas, do you know whether that is right or not? A No I don't.
Q Well, what was the name of the father of David Dumas? A I don't know that.
Q What was the name of his mother? A I don't know.
Q Well, how do you prove your descent, then, from Elizabeth Brasher who married Dumas? (No answer).
Q Isn't that right? Is that the line? A Yes sir.
Q Can you trace your ancestry back to Elizabeth Brasher or Dumas? A No sir, I can't, because I don't know my father's people.
Q Did any of your ancestors live in Mississippi or Alabama at any time? A I don't know.
Q Do you know whether any of them owned any improvements on land in Mississippi or Alabama in 1830? A I don't know.
Q Did any of your ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian agent, whose name was Col. Ward, and tell him they wanted to stay in Mississippi, take land there and become citizens of the States? A I don't know that either.
Q Did you ever hear that any of them went from Mississippi or Alabama to the Choctaw nation, Indian Territory, between 1833, 1838, 1840? A No sir; I don't know that.
Q Did any of your Choctaw ancestors own any land or claim any under article fourteen of the treaty of 1830 in Mississippi or Alabama? A I don't know.
Q Did they own or claim any land under any other article of the treaty of 1830 than article fourteen or under the supplementary articles of that treaty? A I don't know.
Q Did any of your ancestors claim any benefits as Choctaw Indians under any treaty made between the United States and the Choctaw Indians other than the treaty of 1830? A I don't know that either.

The Indians who stayed in Mississippi after the treaty made in that year was ratified were required if they wanted to take advantage of the provisions of that article fourteen of that treaty to go to the United States Indian agent within six months from its ratification and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States: a good many Indians did this whose names Col. Ward failed to put upon a list made by him and known as Ward's Register. His neglect to make a proper list of the names of all claimants who came before him under the provisions of article fourteen caused a good many Indians who had lands in Mississippi to lose the land which they had there because it was taken from them and sold by the Government at Public Land

Sale: This caused a great many Indians to complain and as a result of their complaints Congress appointed a Commission in 1837 which Commission went to Mississippi and heard claimants under article fourteen of that treaty; in 1842 another Commission was appointed by Congress for the same purpose under an act approved August 23, that year, and this Commission went to Mississippi and heard claimants under article fourteen.

Q Did any of your ancestors go before either of these two Commissions and claim benefits under article fourteen of that treaty? A I think not; I don't know.

Q Will you give the names of some of your relatives who have come before the Commission previously and who claim through the same common ancestor? A Dan H. Dumas; Belle Leslie; Louis Dumas; Victoria Pierce, and my father, Benjamin F. Dumas.

Q And there are a great many others you haven't mentioned? A Yes sir.

Q Do you want to have their testimony considered with yours? A Yes sir.

Q Have you any proof or evidence you want to submit at this time in support of this claim? A No sir.

Q Do you want time in which to submit proper evidence in this case? A I do.

Reasonable time will be allowed for that purpose.

Q Do you speak the Choctaw language? A No sir.

Q Is there anything further you would like to say in support of this claim? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage- blue eyes, light hair, light complexion; does not understand the Choctaw language and has no knowledge of the compliance on the part of her ancestors with any of the provisions of the fourteenth article of the treaty of 1830.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on January 17, 1902 and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 20th day of January, 1902.

Chas. Mitchell Wood

Notary Public.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY

ALLISON L. AYLESWORTH,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

COPY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M. C. R. 4822.

MUSKOGEE, INDIAN TERRITORY, May 15, 1903.

Lettie McCoy,

Durant, Indian Territory.

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Scott S. Dumas, et al., embracing the following applications for identification as Mississippi Choctaws:

Scott S. Dumas, et al.,	M. C. R. 4006
Miles G. Lantrip,	M. C. R. 4737
Mary P. Phillips, et al.,	M. C. R. 4738
Isom Lantrip,	M. C. R. 4739
William T. Brasher, et al.,	M. C. R. 4740
Andy Brasher, et al.,	M. C. R. 4741
Robert L. Brasher,	M. C. R. 4742
Albert Collums,	M. C. R. 4743
James S. Collums,	M. C. R. 4744
Thaddeus W. Dumas,	M. C. R. 5737
Aurelius W. Dumas,	M. C. R. 5726
Alexander Dumas, et al.,	M. C. R. 6113
Sharkey H. Roth,	M. C. R. 5845
Mary E. Carothers, et al.,	M. C. R. 5700
Carrie McConico, et al.,	M. C. R. 5520
Bernard A. Williams, et al.,	M. C. R. 5144
Maud Cain, et al.,	M. C. R. 5807
Claude A. Grantham, et al.,	M. C. R. 5714
James J. Dumas, et al.,	M. C. R. 5717
Sydney L. Dumas,	M. C. R. 5803
Adella Caroline Hardin, et al.,	M. C. R. 5698
Lulu K. Smith, et al.,	M. C. R. 5699
Benjamin F. Dumas,	M. C. R. 4521
James D. Dumas, et al.,	M. C. R. 4524
Ennis Palmer, et al.,	M. C. R. 5857
Maud Terry, et al.,	M. C. R. 4525
Lottie McCoy,	M. C. R. 4522
Jane E. McCreary,	M. C. R. 4523
Mary C. L. Hollis, et al.,	M. C. R. 4222
William H. Hollis, et al.,	M. C. R. 4311
Lawrence W. Hollis, et al.,	M. C. R. 4310
Minnie H. Nicolds, et al.,	M. C. R. 4312
Mary C. McLeod, et al.,	M. C. R. 4313
Hattie E. Andrews, et al.,	M. C. R. 4314
Charlie T. Skinner, et al.,	M. C. R. 4315

Thomas H. Hollis,	M. C. R. 4309
Blanche G. Merchant,	M. C. R. 4223
Lawrence W. Dumas, et al.,	M. C. R. 5731
Mary A. Wade, et al.,	M. C. R. 5822
Willie P. Dumas, et al.,	M. C. R. 5810
John R. Dumas, et al.,	M. C. R. 5701
Carrie A. Wilkerson, et al.,	M. C. R. 5703
Maggie Ida Dumas,	M. C. R. 5702
William P. Mims,	M. C. R. 5985
Ransom E. Mims, et al.,	M. C. R. 5858
Frank E. Dumas,	M. C. R. 5732
Ben M. Dumas,	M. C. R. 5811
Edward W. Blakey, et al.,	M. C. R. 5425
Nannie Black, et al.,	M. C. R. 4185
Charles H. Black,	M. C. R. 4200
Ammon Wood, et al.,	M. C. R. 4202
Willie Wood,	M. C. R. 4203
Ellington Wood,	M. C. R. 4199
Edna Fry,	M. C. R. 4286
Robert B. Shipp, et al.,	M. C. R. 4285
Maria J. Crawford, et al.,	M. C. R. 4115
Majie J. Crawford Cole, et al.,	M. C. R. 4116
Elizabeth Baxter Caldwell, et al.,	M. C. R. 4114
Jennie B. H. Calhoun, et al.,	M. C. R. 4117
J. M. Crawford, et al.,	M. C. R. 4094
Robert H. Crawford,	M. C. R. 4164
Edna M. Folliard, et al.,	M. C. R. 4168
Everett B. Crawford, et al.,	M. C. R. 4165
Edwin R. Crawford,	M. C. R. 4077
Pinkie Creager, et al.,	M. C. R. 4169
Fannie Sharp, et al.,	M. C. R. 4433
George H. Gresham,	M. C. R. 4098
Oliver P. Gresham, et al.,	M. C. R. 4095
Robert O. Gresham, et al.,	M. C. R. 4201
Erma Biglow,	M. C. R. 4435
David E. Dumas,	M. C. R. 4651
DeBerry G. Dumas, et al.,	M. C. R. 4119
Birdie D. Carlet, et al.,	M. C. R. 4123
Mack O. Dumas,	M. C. R. 4658
Susan M. Hendricks,	M. C. R. 4121
Onia Ann Stephens, et al.,	M. C. R. 4096
Jackson E. Hendricks, Jr., et al.,	M. C. R. 4126
Mary H. Decker, et al.,	M. C. R. 4122
Helen Martin, et al.,	M. C. R. 4097
John W. Dumas,	M. C. R. 5012
Ada B. Ewing, et al.,	M. C. R. 4284
Minnie P. Dumas,	M. C. R. 5011
Malinda Blanks, et al.,	M. C. R. 4118
William C. Blanks, et al.,	M. C. R. 4135
Robert E. Blanks, et al.,	M. C. R. 4139
Nora E. Binford,	M. C. R. 4125
Birdie A. Wilson, et al.,	M. C. R. 4134
Albert G. Dumas, et al.,	M. C. R. 4631
Roxanna Freeman, et al.,	M. C. R. 4850
Arizona Elizabeth Daniels, et al.,	M. C. R. 4633
Dixie Dumas Connolly, et al.,	M. C. R. 4632
Maude Florence Clark, et al.,	M. C. R. 5713
May L. Brown,	M. C. R. 5725

Murat Dumas, et al.,	M. C. R. 5715
Lula A. Dumas,	M. C. R. 5716
Lena Fulton, et al.,	M. C. R. 4144
Lauren Scott Cannon, et al.,	M. C. R. 4145
Eula Umphress, et al.,	M. C. R. 4146
Pearl Barron, et al.,	M. C. R. 4147
James W. Wheat, et al.,	M. C. R. 4695
Ivy A. Fowler,	M. C. R. 4696
Dan H. Dumas, et al.,	M. C. R. 3766
Eula D. Shivel,	M. C. R. 4075
Walter W. Dumas,	M. C. R. 4015
James P. Dumas,	M. C. R. 3503
Travis M. Dumas, et al.,	M. C. R. 4007
Verna J. Dumas, et al.,	M. C. R. 4140
Laura D. Cole, et al.,	M. C. R. 4141
Victoria J. Pierce, et al.,	M. C. R. 4066
Lee W. T. Herman,	M. C. R. 4254
Annie B. Wallace, et al.,	M. C. R. 4250
Louis Dumas, et al.,	M. C. R. 4014
Belle Leslie, et al.,	M. C. R. 4067
John F. Sanders, et al.,	M. C. R. 5445
Nancy J. Whorton, et al.,	M. C. R. 5446
James L. Sanders,	M. C. R. 5560
Julia A. Wells,	M. C. R. 5559
Emsley M. Sanders, et al.,	M. C. R. 5804
Cora C. Bond, et al.,	M. C. R. 4620
Margaret K. Aston, et al.,	M. C. R. 4562
Mary Jane Damron, et al.,	M. C. R. 5805
William E. Aston, et al.,	M. C. R. 4583
Vic Damron, et al.,	M. C. R. 4619
Cynthia Jane Dicken, et al.,	M. C. R. 4582
William T. Sanders, et al.,	M. C. R. 5444
James P. Sanders, et al.,	M. C. R. 4069
Missieniah Ellison, et al.,	M. C. R. 4154
Lillie Page, et al.,	M. C. R. 4155
Walter H. Thompson,	M. C. R. 4142
Jeff D. Thompson, et al.,	M. C. R. 4016
Mary A. Ferguson, et al.,	M. C. R. 4772
Vergie J. Powers, et al.,	M. C. R. 4773
Willie E. Ferguson, et al.,	M. C. R. 4774
Alonzo A. Ferguson,	M. C. R. 4775
Sue A. Thompson, et al.,	M. C. R. 4389
Ada Thompson,	M. C. R. 4076
Emma C. Canon, et al.,	M. C. R. 3414
Winnie D. Canon,	M. C. R. 3415
Delmer Canon,	M. C. R. 3761
George Thompson, et al.,	M. C. R. 3756
George Homer Thompson,	M. C. R. 3757
Ida Sandford,	M. C. R. 3759
Lula Thompson Noe, et al.,	M. C. R. 3760
Verner L. Dumas,	M. C. R. 5719
James Don Dumas, et al.,	M. C. R. 5720
Claude E. Dumas, et al.,	M. C. R. 5721
Missie E. Biggerstaff, et al.,	M. C. R. 5722
Nettie A. Woolverton,	M. C. R. 6185
Elizabeth Wood,	M. C. R. 6268
Eula P. Niswander, et al.,	M. C. R. 6342
Lawrence L. Thompson, et al.,	M. C. R. 6373

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Scott S. Dumas, Ruth Dumas, Miles G. Lantrip, Mary P. Phillips, Early E. Phillips, Esther E. Phillips, Maud E. Phillips, Leo R. Phillips, Myrtle Phillips, Leland Phillips, Durelle Phillips, Rex Phillips, Isom Lantrip, William T. Brasher, Malt Brasher, Vaudy Brasher, Cordy Brasher, Andy Brasher, Ada Brasher, William C. Brasher, Robert L. Brasher, Albert Collums, James S. Collums, Thaddeus W. Dumas, Aurelius W. Dumas, Alexander Dumas, Dixie M. Dumas, Melville Sidney Dumas, Charles I. Dumas, Sharkey H. Roth, Mary E. Carothers, Ida Blanche McClurg, Susie May McClurg, Ada Maud McClurg, Monroe McClurg, Carrie McConico, Nannie May Mobley, Henry Pope Mobley, Willie McConico, Bernard A. Williams, Marcella Williams, John Williams, Vernie Williams, Maud Williams, Hattie Williams, Maud Cain, John Joseph Cain, Ida May Cain, Claude A. Grantham, Claudia May Grantham, James J. Dumas, Lawrence Dumas, Sydney L. Dumas, Adella Caroline Hardin, Ollie Caroline Hardin, Clyde Abraham Hardin, Lula K. Smith, Opal Smith, Benjamin F. Dumas, James D. Dumas, Abbie A. Dumas, James H. Dumas, Gladys Dumas, Benjamin Dumas, Ennis Palmer, Edgar Palmer, Erbert Palmer, Maud Terry, Moina Terry, Dumas Terry, Millwee Terry, Lottie McCoy, Jane E. McCreary, Mary C. L. Hollis, Linnie L. Hollis, William H. Hollis, William H. Hollis, Jr., Lawrence W. Hollis, Eva M. Hollis, Lawrence W. Hollis, Jr., Beatrice M. Hollis, Scott W. Hollis, Minnie H. Nicolds, Richard Nicolds, Hollis Nicolds, Kate Nicolds, Edward Nicolds, Minnie Nicolds, Mary C. McLeod, Mary L. McLeod, Hattie E. Andrews, Max R. Andrews, Jr., Hattie E. Andrews (2), Charlie T. Skinner, Blanche L. Skinner, Thomas H. Hollis, Blanche G. Merchant, Lawrence W. Dumas, Mallie T. Dumas, Annie C. Dumas, Katie L. Dumas, Janie S. Dumas, Lawrence W. Dumas, Jr., Mary A. Wade, Edgar D. Wade, Glennau A. Wade, Willie P. Dumas, Jennie W. Dumas, Clark G. Dumas, Farris Dumas, John R. Dumas, Walter A. Dumas, Justin R. Dumas, Carrie A. Wilkerson, James A. Wilkerson, Walter D. Wilkerson, Maggie Ida Dumas, William P. Mims, Ransom E. Mims, Oscar M. Mims, William T. Mims, Frank E. Dumas, Ben M. Dumas, Edward W. Blakey, Edna Blakey, John Blakey, Nannie Black, Catherine Black, Charles H. Black, Ammon Wood, Willie A. Wood, Leslie B. Wood, Willie Wood, Ellington Wood, Edna Fry, Robert B. Shipp, Ruby B. Shipp, Maria J. Crawford, Lucille Crawford, Ghent Crawford, Ed S. Crawford, Jr., Jodie F. Crawford, Majie J. Crawford Cole, Jewel I. Cole, James A. Cole, Susie M. Cole, Christine Cole, Majie Douglass Cole, Elizabeth Baxter Caldwell, Mabel E. Caldwell, Jodie Lee Caldwell, Jennie B. H. Calhoun, Owen H. Calhoun, Edwin C. Calhoun, J. M. Crawford, Edwin Dickey Crawford, Hattie May Crawford, James M. Crawford, Jr., Ellen Lee Crawford, Robert H. Crawford, Edna M. Folliard, Crawford J. Folliard, Aileen Folliard, Cecil H. Folliard, William Richard Folliard, Everett B. Crawford, Everett B. Crawford, Jr., Edwin R. Crawford, Pinkie Crenger, Margaret E. Creager, Fannie Sharp, Dan M. Sharp, Charlotte Jane Sharp, George H. Gresham, Oliver P. Gresham, Lizzie D. Gresham, Frances Margret Gresham, Robert O. Gresham, Hill Campbell Gresham, Erma Biglow, David E. Dumas, DeBerry G. Dumas, Walter A. Dumas, Birdie D. Carlet, Glenna W. Carlet, Helen C. Carlet, Mack O. Dumas, Susan M. Hendricks, Onia Ann Stephens, Leno A. Stephens, Harold Richard Stephens, Louise Stephens, Vernon Stephens, Charles Edwin Stephens, Jr., Jackson E. Hendricks, Jr., Hallie H. Hendricks, Ruth Hendricks, Rubie Hendricks, Mary H. Decker, William H. Decker, Jr., Susan H. Decker, Helen Martin, Vera Martin, Alma Martin, Samael Martin, John W. Dumas, Ada B. Ewing, Freda Ewing, Mabel Ewing, Minnie P. Dumas, Malinda Blanks, Arthur Blanks, William C. Blanks, Ruth J. Blanks, Mary G. Blanks, Robert E. Blanks, Robert E. Blanks, Jr., Nora E. Binford, Birdie A. Wilson, John H. Wilson, Albert G. Dumas, Arline Dumas, Lisle Dumas, Dixie D. Dumas, Roxanna Freeman, William Clyde Freeman, Arizona Elizabeth Daniels, Stafford Livonia Daniels, Dixie Dumas Connolly, Sybil Connolly, Frank C. Connolly, Maude Florence Clark, Irene L. Clark, May L. Brown, Murat Dumas, Eugene Dumas, Lula A. Dumas, Lena Fulton, J. Harold Fulton, Clifford C. Fulton, Lauren Scott Cannon, Josiah R. Cannon, Kathleene Cannon, Eula Umphress, Carl C. Umphress, Helen M. Umphress, Pearl Barron, Guyon Elizabeth Barron, James W. Wheat, Dumas Wheat, Ivy A. Fowler, Dan H. Dumas, Harriet Pinkoy Dumas, Eula D. Shivel, Walter W. Dumas, James P. Dumas, Travis M. Dumas, Lige F. Dumas,

Verna J. Dumas, Hazel A. Dumas, Laura D. Cole, Dorothy Cole, Victoria J. Pierce, Louis Pierce, Arthur Pierce, Lee W. T. Herman, Annie B. Wallace, Gladys Wallace, Marvin Wallace, Hortense Wallace, Ferrol Wallace, Louis Dumas, Ward Lamont Dumas, Fred Dumas, Mary A. E. Dumas, Belle Leslie, Gerline Leslie, Mae D. Leslie, Lloyd Leslie, Karl Leslie, John F. Sanders, Robert D. Sanders, Cynthia Beatrice Sanders, Turner Lee Sanders, Nancy J. Whorton, Mabel Whorton, James L. Sanders, Julia A. Wells, Emsley M. Sanders, Dottie Sanders, Cora C. Bond, Callie Bond, Ray M. Bond, Clede Bond, Margaret K. Aston, Belva Lockwood Aston, Mary Jane Damron, Emma J. Damron, Claud M. Damron, Maud Damron, Lila C. Damron, Walter W. Damron, Minnie Damron, Mamie Damron, Joseph Scott Damron, William E. Aston, Eula M. Aston, Verna D. Aston, Texanna Aston, Willie Eunice Aston, Lonie H. Aston, William Edward Aston, Jr., Vic Damron, Clara Bell Damron, Hugh Ella Damron, Jimmie Otha Damron, Nora May Damron, Willie Monroe Damron, Cynthia Jane Dicken, John R. Ferguson, William T. Sanders, Louis Burke Sanders, Wilda D. Sanders, James P. Sanders, Nellie Sanders, Cora Sanders, Olive Sanders, Missieniah Ellison, Lena Nichols, Alma Ellison, Lillie Page, Marie Page, Catharine Page, Walter H. Thompson, Jeff D. Thompson, Clarence E. Thompson, James A. Thompson, Willie L. Thompson, Madeline F. Thompson, Gracie L. Thompson, Elsie Thompson, Mary L. Thompson, Minnie L. Thompson, Essie B. Thompson, Myrtle Thompson, John L. Thompson, Mary A. Ferguson, Julia A. Ferguson, Jeff Ferguson, Scotty S. Ferguson, Georgie B. Ferguson, Lovard E. Ferguson, Vergie J. Powers, Murray Powers, Maybell Powers, Willie E. Ferguson, Vergie B. Ferguson, Frank G. Ferguson, Alonzo A. Ferguson, Sue A. Thompson, May Thompson, Ada Thompson, Emma C. Canon, Emsley J. Canon, Alexander Canon, Tullie Clyde Canon, Winnie D. Canon, Delmer Canon, George Thompson, Charlie W. Thompson, Luther Bell Thompson, Mary Gertrude Thompson, George Homer Thompson, Ida Sanford, Lula Thompson, Chester William Noe, Verner L. Dumas, James Don Dumas, Ella May Dumas, Claude E. Dumas, Jim Dumas, Missie E. Biggerstaff, Dora Biggerstaff, John M. Biggerstaff, Winnie Biggerstaff, Gladys Biggerstaff, Nettie A. Woolverton, Elizabeth Wood, Eula P. Niswander, Mildred Niswander, Lawrence L. Thompson, Mildred Bell Thompson, Lawrence L. Thompson, Jr., Cornelia Elizabeth Thompson and Willie Thompson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(S. G. and D.).

Chairman.

Registered.

REFER IN REPLY TO THE FOLLOWING

MCR 4522

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

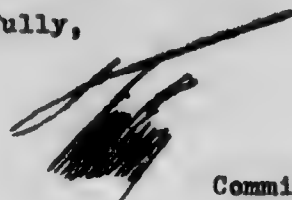
Muskogee, Indian Territory, January 22, 1906.

Lottie McCoy,
Durant, Indian Territory.

Dear Madam:

You are hereby notified that the Secretary of the Interior on January 5, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, refusing the applications of the several persons in the consolidated Mississippi Choctaw case of Scott S. Dumas, et al., of which the application for your identification as a Mississippi Choctaw is a part.

Respectfully,



Commissioner.

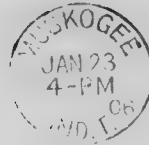


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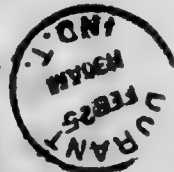
Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.



4522

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Lottie McCoy,

Durant, Indian Territory.

DEPT OF THE INTERIOR
COMMISSIONER OF THE FIVE CIVILIZED TRIBES

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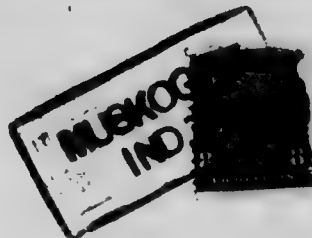
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Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

REGISTER

MUSKOGEE

Lottie McCoy,

Durant, Indian Territory.

R. W. M.

No. 4522

For Identification as a Mississippi Choctaw.

Date

JAN 11 1902

Name Lottie Mc Coy.

Age 30

Blood

1/32

Post Office, Durant, I. T.

Father: Benjamin F. Dumas, l.

Mother: Mary L. " l.

Claims through father
husband.

H. S. Mc Coy, w. (l.)

No claim for husband

Children:

Claims for self
alone

Choctaw MCR 4523

Jane E. McCreary

See MCR 4006

MCR 4523

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I. T. January 17, 1902.

4523

In the matter of the application of Jane E. McCreary for identification as a Mississippi Choctaw.

J.G.Halls, attorney for applicant.

Jane E. McCreary being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Jane E. McCreary; M -o-C-r-e-a-r-y.
Q What is your age? A Fifty eight.
Q What is your post office address? A Montford, Navarro County, Texas.
Q How long have you lived there? A Been living in and around there for thirteen or fourteen years.
Q Where did you live before that? A Moved from South Carolina to Texas.
Q Where were you born? A In N.E. Georgia.
Q What place? A Franklin County, Georgia.
Q And at what age did you go from there to South Carolina? A At twenty two; refugees there during the War.
Q Where did you go to in South Carolina? A Okona County, Seneca City.
Q And then from that State you went to Texas, did you? A Yes sir.
Q Is your father living? A No sir.
Q Is your mother living? A No sir.
Q What was your father's name? A David D. Dumas.
Q What was your mother's name? A Elisa A. Dumas.
Q Through whom do you claim your Choctaw blood, your father or mother? A My father and he married a Brashears.
Q You claim through your father? A Yes sir.
Q How much Choctaw blood do you claim? A A sixteenth.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A No sir.
Q Have you the marriage license and certificate of marriage of your father and mother? A No sir.
Q Think you can present it later? A Yes sir.

reasonable time will be allowed for this purpose.

Q Are you married? A Yes sir.
Q What is your husband's name? A F.W. McCreary. He is dead.
Q Have you any children under twenty one years of age and unmarried?
A No sir.
Q You just apply for yourself? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw nation in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory?
A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the Act of Congress of June 10, 1896? A No sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
Q Do you now come before the Commission for the purpose of being identified as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes sir.
Q Do you understand the provisions of article fourteen of the treaty of 1830? A Yes, sufficiently.
Q Do you care to have it further explained to you? A It is not necessary.

Without an explanation, the article in question reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by section all lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of Choctaw citizens but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Did any of your ancestors comply with the provisions of that article? A I don't know.
Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A My grandmother, Elizabeth Brashears.
Q What was her married name? A She married A Dumas.

Q What was the full name? A Elhanan W. Dumas.
Q E.W.Dumas? A Yes sir.
Q Was he a white man? A Yes sir.
Q Did she live in Mississippi or Alabama? A I don't know.
Q How much Choctaw blood did she have? A I don't know; Oh, a fourth.
Q How do you know she had a quarter Choctaw blood? A Information I had from the relatives; from my father.
Q It is a matter of family history and tradition? A Yes sir.
Q Did she have a family in Mississippi in 1830? A I don't know sir.
Q When and where was she born? A I don't know.
Q When and where did she die? A I don't know that.
Q Where did she live the greater part of her life? A I heard- I have been informed that she formerly lived in Mississippi; but I don't know.
Q Who told you that? A My father.
Q Do you know what years of her life she lived in Mississippi?
A No sir.
Q Did any of your other ancestors ever live in Mississippi? A I have got some uncles; my father's brothers.
Q Did your father or grandfather, or grandmother or great grandparents, any of your direct ancestors live in Mississippi. A I have heard that they did.
Q Who did you hear lived there besides Elizabeth Brashears? A I don't know.
Q Did your father ever live in Mississippi? A Not that I know of.
Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know.
Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 tell the United States Indian agent, Col. Ward, they wanted to stay in Mississippi, take land there and become citizens of the States? A I don't know; no.
Q Did any of your Choctaw ancestors go from the old Choctaw Nation in Mississippi or Alabama to the Choctaw Nation, Indian Territory with the other Indians between 1833 to 1838? A I don't know.
Q Did any of them own any land or claim any in Mississippi or Alabama in under the fourteenth article of the treaty of 1830? A No sir.
Q Did any of them own or claim any land or any benefits whatever under any other article of the treaty of 1830 than article fourteen or under the supplementary articles of that treaty? A No sir; I don't know.
Q Did any of your Choctaw ancestors claim any benefits as Choctaw Indians under any treaty made between the United States and the Choctaw Indians other than the treaty of 1830? A I don't know.

The Indians who stayed in Mississippi after the treaty of 1830 was ratified were required, if they wanted to take advantage of article fourteen of that treaty, to go to the United States Indian agent, Col. Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States. A good many Indians did this but Col. Ward neglected to put their names upon his list known as Ward's register; this caused a good many Indians who had land in Mississippi and Alabama to lose their lands because they were taken from them by the Government with the improvements thereon and sold at Public Land Sale of the Government; this caused a good many complaints among the Indians especially those who lost their lands, so that, in 1837 a Commission was appointed by Congress to go to Mississippi and hear claims under the fourteenth article of

that treaty-- this Commission was appointed March 3, 1837; in 1842 another Commission was appointed by Congress for the same purpose under an Act of Congress approved August 23, that year, and this Commission went to Mississippi and heard claims under the fourteenth article of that treaty.

Q Did any of your ancestors go before either of these Commissions and claim benefits, rights or privileges under article fourteen of the Treaty of Dancing Rabbit Creek? A I don't know.

Q Did any of your Choctaw ancestors receive any certificates or scrip from the Government of the United States which entitled them to select land either in Mississippi, Alabama, Arkansas or Louisiana to replace land which had been taken from them in Mississippi by the Government and sold? A I don't know.

Q Will you give the names of some of your relatives who have come before this Commission to be identified who claim through the same common ancestor, Elizabeth Brashears or Dumas, through whom you claim? A Dan Dumas; Victoria Pierce, Belle Leslie, Scott S. Dumas and my brother, Benjamin F. Dumas and others.

Q Do you want to have their testimony considered with yours in order that you may get the benefit of what they have testified to? A Yes sir.

Q Have you any documentary evidence you want to present now?

(Attorney for applicant asks for reasonable time in which to present same. Reasonable time will be allowed this applicant to furnish proper proof in support of this application, if presented under the rules of the Commission.)

Q Do you speak the Choctaw language? A No sir.

Examination by J.G.Ralls, attorney for applicant:

Q Have you any children? A Yes sir.

Q What are their names? A The oldest one is D.V.Jones and D.H. Nelson and D.D.Nelson; the boys.

By the Commission:

Q By a former marriage? A Yes sir.

By J.D.Ralls:

Q How many times have you been married? A Four times.

--:--:--:--:--

This applicant has the appearance and physical characteristics of being descended from white parentage; - blue eyes, medium fair complexion, brown hair; no knowledge of the Choctaw language and no knowledge of the compliance on the part of her ancestors with the provisions of the fourteenth article of the treaty of 1830.

Henry G. Hains being duly sworn on his oath states that as steno-

grapher to the Commission to the Five Civilized Tribes he reported
in his annual proceedings held in the summer of 1901, as January
1902, that the same was about the same as in the year 1901.
date.

Henry L. Haus

Subscribed and sworn to before me this 20th day of January, 1902.

Chora Mitchellwood
Notary Public.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

COPY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M. C. R. 4523.

MUSKOGEE, INDIAN TERRITORY, May 15, 1903.

Jane E. McCreary,

Montford, Texas.

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Scott S. Dumas, et al., embracing the following applications for identification as Mississippi Choctaws:

Scott S. Dumas, et al.,	M. C. R. 4006
Miles G. Lantrip,	M. C. R. 4737
Mary P. Phillips, et al.,	M. C. R. 4738
Isom Lantrip,	M. C. R. 4739
William T. Brasher, et al.,	M. C. R. 4740
Andy Brasher, et al.,	M. C. R. 4741
Robert L. Brasher,	M. C. R. 4742
Albert Collums,	M. C. R. 4743
James S. Collums,	M. C. R. 4744
Thaddeus W. Dumas,	M. C. R. 5737
Aurelius W. Dumas,	M. C. R. 5726
Alexander Dumas, et al.,	M. C. R. 6113
Sharkey H. Roth,	M. C. R. 5845
Mary E. Carothers, et al.,	M. C. R. 5700
Carrie McConico, et al.,	M. C. R. 5520
Bernard A. Williams, et al.,	M. C. R. 5144
Maud Cain, et al.,	M. C. R. 5807
Claude A. Grantham, et al.,	M. C. R. 5714
James J. Dumas, et al.,	M. C. R. 5717
Sydney L. Dumas,	M. C. R. 5803
Adella Caroline Hardin, et al.,	M. C. R. 5698
Lulu K. Smith, et al.,	M. C. R. 5699
Benjamin F. Dumas,	M. C. R. 4521
James D. Dumas, et al.,	M. C. R. 4524
Ennis Palmer, et al.,	M. C. R. 5857
Maud Terry, et al.,	M. C. R. 4525
Lottie McCoy,	M. C. R. 4522
Jane E. McCreary,	M. C. R. 4523
Mary C. L. Hollis, et al.,	M. C. R. 4222
William H. Hollis, et al.,	M. C. R. 4311
Lawrence W. Hollis, et al.,	M. C. R. 4310
Minnie H. Nicolds, et al.,	M. C. R. 4312
Mary C. McLeod, et al.,	M. C. R. 4313
Hattie E. Andrews, et al.,	M. C. R. 4314
Charlie T. Skinner, et al.,	M. C. R. 4315

Thomas H. Hollis,	M. C. R. 4309
Blanche G. Merchant,	M. C. R. 4223
Lawrence W. Dumas, et al.,	M. C. R. 5731
Mary A. Wade, et al.,	M. C. R. 5822
Willie P. Dumas, et al.,	M. C. R. 5810
John B. Dumas, et al.,	M. C. R. 5701
Carrie A. Wilkerson, et al.,	M. C. R. 5703
Maggie Ida Dumas,	M. C. R. 5702
William P. Mims,	M. C. R. 5985
Ransom E. Mims, et al.,	M. C. R. 5858
Frank E. Dumas,	M. C. R. 5732
Ben M. Dumas,	M. C. R. 5811
Edward W. Blakey, et al.,	M. C. R. 5425
Nannie Black, et al.,	M. C. R. 4185
Charles H. Black,	M. C. R. 4200
Ammon Wood, et al.,	M. C. R. 4202
Willie Wood,	M. C. R. 4203
Ellington Wood,	M. C. R. 4199
Edna Fry,	M. C. R. 4286
Robert B. Shipp, et al.,	M. C. R. 4285
Maria J. Crawford, et al.,	M. C. R. 4115
Majie J. Crawford Cole, et al.,	M. C. R. 4116
Elizabeth Baxter Caldwell, et al.,	M. C. R. 4114
Jennie B. H. Calhoun, et al.,	M. C. R. 4117
J. M. Crawford, et al.,	M. C. R. 4094
Robert H. Crawford,	M. C. R. 4164
Edna M. Folliard, et al.,	M. C. R. 4168
Everett B. Crawford, et al.,	M. C. R. 4165
Edwin R. Crawford,	M. C. R. 4077
Pinkie Creager, et al.,	M. C. R. 4169
Fannie Sharp, et al.,	M. C. R. 4433
George H. Gresham,	M. C. R. 4098
Oliver P. Gresham, et al.,	M. C. R. 4095
Robert O. Gresham, et al.,	M. C. R. 4201
Erma Biglow,	M. C. R. 4435
David E. Dumas,	M. C. R. 4651
DeBerry G. Dumas, et al.,	M. C. R. 4119
Birdie D. Carlet, et al.,	M. C. R. 4123
Mack O. Dumas,	M. C. R. 4658
Susan M. Hendricks,	M. C. R. 4121
Onia Ann Stephens, et al.,	M. C. R. 4096
Jackson E. Hendricks, Jr., et al.,	M. C. R. 4126
Mary H. Decker, et al.,	M. C. R. 4122
Helen Martin, et al.,	M. C. R. 4097
John W. Dumas,	M. C. R. 5012
Ada B. Ewing, et al.,	M. C. R. 4284
Minnie P. Dumas,	M. C. R. 5011
Malinda Blanks, et al.,	M. C. R. 4118
William C. Blanks, et al.,	M. C. R. 4135
Robert E. Blanks, et al.,	M. C. R. 4139
Nora E. Binford,	M. C. R. 4125
Birdie A. Wilson, et al.,	M. C. R. 4134
Albert G. Dumas, et al.,	M. C. R. 4631
Roxanna Freeman, et al.,	M. C. R. 4850
Arizona Elizabeth Daniels, et al.,	M. C. R. 4633
Dixie Dumas Connolly, et al.,	M. C. R. 4632
Maude Florence Clark, et al.,	M. C. R. 5713
May L. Brown,	M. C. R. 5725

Murat Dumas, et al.,	M. C. R. 5715
Lula A. Dumas,	M. C. R. 5716
Lena Fulton, et al.,	M. C. R. 4144
Lauren Scott Cannon, et al.,	M. C. R. 4145
Eula Umphress, et al.,	M. C. R. 4146
Pearl Barron, et al.,	M. C. R. 4147
James W. Wheat, et al.,	M. C. R. 4695
Ivy A. Fowler,	M. C. R. 4696
Dan H. Dumas, et al.,	M. C. R. 3766
Eula D. Shivel,	M. C. R. 4075
Walter W. Dumas,	M. C. R. 4015
James P. Dumas,	M. C. R. 3503
Travis M. Dumas, et al.,	M. C. R. 4007
Verna J. Dumas, et al.,	M. C. R. 4140
Laura D. Cole, et al.,	M. C. R. 4141
Victoria J. Pierce, et al.,	M. C. R. 4066
Lee W. T. Herman,	M. C. R. 4254
Annie B. Wallace, et al.,	M. C. R. 4250
Louis Dumas, et al.,	M. C. R. 4014
Belle Leslie, et al.,	M. C. R. 4067
John F. Sanders, et al.,	M. C. R. 5445
Nancy J. Whorton, et al.,	M. C. R. 5446
James L. Sanders,	M. C. R. 5560
Julia A. Wells,	M. C. R. 5559
Ensley M. Sanders, et al.,	M. C. R. 5804
Cora C. Bond, et al.,	M. C. R. 4620
Margaret K. Aston, et al.,	M. C. R. 4562
Mary Jane Damron, et al.,	M. C. R. 5805
William E. Aston, et al.,	M. C. R. 4583
Vic Damron, et al.,	M. C. R. 4619
Cynthia Jane Dicken, et al.,	M. C. R. 4582
William T. Sanders, et al.,	M. C. R. 5444
James P. Sanders, et al.,	M. C. R. 4069
Missieniah Ellison, et al.,	M. C. R. 4154
Lillie Page, et al.,	M. C. R. 4155
Walter H. Thompson,	M. C. R. 4142
Jeff D. Thompson, et al.,	M. C. R. 4016
Mary A. Ferguson, et al.,	M. C. R. 4772
Vergie J. Powers, et al.,	M. C. R. 4773
Willie E. Ferguson, et al.,	M. C. R. 4774
Alonzo A. Ferguson,	M. C. R. 4775
Sue A. Thompson, et al.,	M. C. R. 4389
Ada Thompson,	M. C. R. 4076
Emma C. Canon, et al.,	M. C. R. 3414
Winnie D. Canon,	M. C. R. 3415
Delmer Canon,	M. C. R. 3761
George Thompson, et al.,	M. C. R. 3756
George Homer Thompson,	M. C. R. 3757
Ida Sandford,	M. C. R. 3759
Lula Thompson Noe, et al.,	M. C. R. 3760
Verner L. Dumas,	M. C. R. 5719
James Don Dumas, et al.,	M. C. R. 5720
Claude E. Dumas, et al.,	M. C. R. 5721
Missie E. Biggerstaff, et al.,	M. C. R. 5722
Nettie A. Woolverton,	M. C. R. 6185
Elizabeth Wood,	M. C. R. 6268
Eula P. Niswander, et al.,	M. C. R. 6342
Lawrence L. Thompson, et al.,	M. C. R. 6373

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Scott S. Dumas, Ruth Dumas, Miles G. Lantrip, Mary P. Phillips, Early E. Phillips, Esther E. Phillips, Maud E. Phillips, Leo R. Phillips, Myrtle Phillips, Leland Phillips, Durelle Phillips, Rex Phillips, Isom Lantrip, William T. Brasher, Maltie Brasher, Vaudy Brasher, Cordy Brasher, Andy Brasher, Ada Brasher, William C. Brasher, Robert L. Brasher, Albert Collums, James S. Collums, Thaddeus W. Dumas, Aurelius W. Dumas, Alexander Dumas, Dixie M. Dumas, Melville Sidney Dumas, Charles I. Dumas, Sharkey H. Roth, Mary E. Carothers, Ida Blanche McClurg, Susie May McClurg, Ada Maud McClurg, Monroe McClurg, Carrie McConico, Nannie May Mobley, Henry Pope Mobley, Willie McConico, Bernard A. Williams, Marcells Williams, John Williams, Vernie Williams, Maud Williams, Hattie Williams, Maud Cain, John Joseph Cain, Ida May Cain, Claude A. Grantham, Claudia May Grantham, James J. Dumas, Lawrence Dumas, Sydney L. Dumas, Adella Caroline Hardin, Ollie Caroline Hardin, Clyde Abraham Hardin, Lula K. Smith, Opal Smith, Benjamin F. Dumas, James D. Dumas, Abbie A. Dumas, James H. Dumas, Gladys Dumas, Benjamin Dumas, Ennis Palmer, Edgar Palmer, Erbert Palmer, Maud Terry, Moina Terry, Dumas Terry, Millwee Terry, Lottie McCoy, Jane E. McCreary, Mary C. L. Hollis, Linnie L. Hollis, William H. Hollis, William H. Hollis, Jr., Lawrence W. Hollis, Eva M. Hollis, Lawrence W. Hollis, Jr., Beatrice M. Hollis, Scott W. Hollis, Minnie H. Nicolds, Richard Nicolds, Hollis Nicolds, Kate Nicolds, Edward Nicolds, Minnie Nicolds, Mary C. McLeod, Mary L. McLeod, Hattie E. Andrews, Max R. Andrews, Jr., Hattie E. Andrews (2), Charlie T. Skinner, Blanche L. Skinner, Thomas H. Hollis, Blanche G. Merchant, Lawrence W. Dumas, Mallie T. Dumas, Annie C. Dumas, Katie L. Dumas, Janie S. Dumas, Lawrence W. Dumas, Jr., Mary A. Wade, Edgar D. Wade, Glennan A. Wade, Willie P. Dumas, Jennie W. Dumas, Clark G. Dumas, Faris Dumas, John R. Dumas, Walter A. Dumas, Justin R. Dumas, Carrie A. Wilkerson, James A. Wilkerson, Walter D. Wilkerson, Maggie Ida Dumas, William P. Mims, Ransom E. Mims, Oscar M. Mims, William T. Mims, Frank E. Dumas, Ben M. Dumas, Edward W. Blakey, Edna Blakey, John Blakey, Nannie Black, Catherine Black, Charles H. Black, Ammon Wood, Willie A. Wood, Leslie B. Wood, Willie Wood, Ellington Wood, Edna Fry, Robert B. Shipp, Ruby B. Shipp, Maria J. Crawford, Lucille Crawford, Ghent Crawford, Ed S. Crawford, Jr., Jodie F. Crawford, Majie J. Crawford Cole, Jewel I. Cole, James A. Cole, Susie M. Cole, Christine Cole, Majie Douglass Cole, Elizabeth Baxter Caldwell, Mabel E. Caldwell, Jodie Lee Caldwell, Jennie B. H. Calhoun, Owen H. Calhoun, Edwin C. Calhoun, J. M. Crawford, Edwin Dickey Crawford, Hattie May Crawford, James M. Crawford, Jr., Ellen Lee Crawford, Robert H. Crawford, Edna M. Folliard, Crawford J. Folliard, Aileen Folliard, Cecil H. Folliard, William Richard Folliard, Everett B. Crawford, Everett B. Crawford, Jr., Edwin R. Crawford, Pinkie Creager, Margaret E. Creager, Fannie Sharp, Dan M. Sharp, Charlotte Jane Sharp, George H. Gresham, Oliver P. Gresham, Lizzie D. Gresham, Frances Margaret Gresham, Robert O. Gresham, Hill Campbell Gresham, Erma Biglow, David E. Dumas, DeBerry G. Dumas, Walter A. Dumas, Birdie D. Carlet, Glenna W. Carlet, Helen C. Carlet, Mack O. Dumas, Susan M. Hendricks, Onia Ann Stephens, Leno A. Stephens, Harold Richard Stephens, Louise Stephens, Vernon Stephens, Charles Edwin Stephens, Jr., Jackson E. Hendricks, Jr., Hallie H. Hendricks, Ruth Hendricks, Rubie Hendricks, Mary H. Decker, William H. Decker, Jr., Susan H. Decker, Helen Martin, Vera Martin, Alma Martin, Samuel Martin, John W. Dumas, Ada B. Ewing, Freda Ewing, Mabel Ewing, Minnie P. Dumas, Malinda Blanks, Arthur Blanks, William C. Blanks, Ruth J. Blanks, Mary G. Blanks, Robert E. Blanks, Robert E. Blanks, Jr., Nora E. Binford, Birdie A. Wilson, John H. Wilson, Albert G. Dumas, Arline Dumas, Lisle Dumas, Dixie D. Dumas, Roxanna Freeman, William Clyde Freeman, Arizona Elizabeth Daniels, Stafford Livonia Daniels, Dixie Dumas Connolly, Sybil Connolly, Frank C. Connolly, Maude Florence Clark, Irene L. Clark, May L. Brown, Murat Dumas, Eugene Dumas, Lula A. Dumas, Lena Fulton, J. Harold Fulton, Clifford C. Fulton, Lauren Scott Cannon, Josiah R. Cannon, Kathleene Cannon, Eula Umphress, Carl C. Umphress, Helen M. Umphress, Pearl Barron, Guyon Elizabeth Barron, James W. Wheat, Ivy A. Fowler, Dan H. Dumas, Harriet Pinkey Dumas, Eula D. Shivel, Walter W. Dumas, James P. Dumas, Travis M. Dumas, Lige F. Dumas,

Verna J. Dumas, Hazel A. Dumas, Laura D. Cole, Dorothy Cole, Victoria J. Pierce, Louis Pierce, Arthur Pierce, Lee W. T. Herman, Annie B. Wallace, Gladys Wallace, Marvin Wallace, Hortense Wallace, Ferrol Wallace, Louis Dumas, Ward Lamon Dumas, Fred Dumas, Mary A. E. Dumas, Belle Leslie, Gerline Leslie, Mae D. Leslie, Lloyd Leslie, Karl Leslie, John F. Sanders, Robert D. Sanders, Cynthia Beatrice Sanders, Turner Lee Sanders, Nancy J. Whorton, Mabel Whorton, James L. Sanders, Julia A. Wells, Emsley M. Sanders, Dottie Sanders, Cora C. Bond, Callie Bond, Ray M. Bond, Clede Bond, Margaret K. Aston, Belva Lockwood Aston, Mary Jane Damron, Emma J. Damron, Claud M. Damron, Maud Damron, Lila C. Damron, Walter W. Damron, Minnie Damron, Mamie Damron, Joseph Scott Damron, William E. Aston, Eula M. Aston, Verna D. Aston, Texanna Aston, Willie Eunice Aston, Lonie H. Aston, William Edward Aston, Jr., Vic Damron, Clara Bell Damron, Hugh Ella Damron, Jimmie Otha Damron, Nora May Damron, Willie Monroe Damron, Cynthia Jane Dicken, John R. Ferguson, William T. Sanders, Louis Burke Sanders, Wilda D. Sanders, James P. Sanders, Nellie Sanders, Cora Sanders, Olive Sanders, Missieniah Ellison, Lena Nichols, Alma Ellison, Lillie Page, Marie Page, Catharine Page, Walter H. Thompson, Jeff D. Thompson, Clarence E. Thompson, James A. Thompson, Willie L. Thompson, Madeline F. Thompson, Gracie L. Thompson, Elsie Thompson, Mary L. Thompson, Minnie L. Thompson, Essie B. Thompson, Myrtle Thompson, John L. Thompson, Mary A. Ferguson, Julia A. Ferguson, Jeff Ferguson, Scotty S. Ferguson, Georgie B. Ferguson, Loverd E. Ferguson, Vergie J. Powers, Murray Powers, Maybell Powers, Willie E. Ferguson, Vergie B. Ferguson, Frank G. Ferguson, Alonzo A. Ferguson, Sue A. Thompson, May Thompson, Ada Thompson, Emma C. Canon, Emsley J. Canon, Alexander Canon, Tullie Clyde Canon, Winnie D. Canon, Delmer Canon, George Thompson, Charlie W. Thompson, Luther Bell Thompson, Mary Gertrude Thompson, George Homer Thompson, Ida Sanford, Lula Thompson Noe, Chester William Noe, Verner L. Dumas, James Don Dumas, Ella May Dumas, Claude E. Dumas, Jim Dumas, Missie E. Biggerstaff, Dora Biggerstaff, John M. Biggerstaff, Winnie Biggerstaff, Gladys Biggerstaff, Nettie A. Woolverton, Elizabeth Wood, Eula P. Niswander, Mildred Niswander, Lawrence L. Thompson, Mildred Bell Thompson, Lawrence L. Thompson, Jr., Cornelia Elizabeth Thompson and Willie Thompson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(S. G. D.)

Chairman.

Registered.

MCR 4323

Muskogee, Indian Territory, January 22, 1906.

Jane N. McGreary,
Montford, Texas.

Dear Madam:

You are hereby notified that the Secretary of the Interior on January 5, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, refusing the applications of the several persons in the consolidated Mississippi Choctaw case of Scott S. Dumas, et al., of which the application for your identification as a Mississippi Choctaw is a part.

Respectfully,

SIGNED

Commissioner.

For Identification as a Mississippi Choctaw

Date

JAN 17 1902

Name Jane E. McCreary

Age 5-8

Blood 1/16

Post Office, Montford, Texas.

Father: David W. Hennes d.

Mother: Eliza A .. d.

Claims through father
husband.
F. M. McCreary, d.

Children:

Claims for self alone

Engraver H. S. Haines.

Choctaw MCR 4524

James D. Dumas

See MCR 4006

MCR 4524

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. January 17, 1902.

4524

In the matter of the application of James D. Dumas for the identification of himself and his four minor children, Abbie A., James H., Gladys and Benjamin Dumas, as Mississippi Choctaws.

J.G. Halls, attorney for applicant:

James D. Dumas being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A J.D. Dumas.
Q What does the "J" stand for? A James.
Q What is your age? A Forty one last June.
Q What is your post office address? A Clarksville, Texas.
Q How long have you lived there? A About fifteen years.
Q Where were you born? A I was born in Louisiana, near Homer, Claburne Parish.
Q How long were you in Louisiana? A One year.
Q From there you went to what State? A Arkansas; and from there to Texas.
Q How long did you stay in Arkansas? A Two or three years, I don't know.
Q You have lived most of your life in Texas? A Yes sir.
Q Is your father living? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is your father's name? A B.F. Dumas.
Q Has he appeared today to be identified as a Mississippi Choctaw? A Yes sir.
Q His full name is Benjamin F. Dumas, isn't it? A Yes sir.
Q What is your mother's name? A Mary Lucinda.
Q You claim through your father? A Yes sir.
Q How much Choctaw blood do you claim? A A thirty second.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw Nation by the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A Not that I knew of; No sir.
Q Have you the marriage license and certificate of marriage of your father and mother? A No sir.
Q Can you produce it later? A Yes sir.

Reasonable time will be allowed you for that purpose.

Q Are you married? A Yes sir.
 Q What is your wife's name? A Kate Dumas.
 Q Is she living? A Yes sir.
 Q Has she any Choctaw blood? A No sir.
 Q She is a white woman? A Yes sir.
 Q You make no claim for her, then? A No sir.
 Q Have you any children under twenty one years of age and unmarried for whom you want to make application? A Yes sir.
 Q How many? A Four.
 Q What is the name of the oldest? A Abbie A. Dumas.
 Q How old is she? A Will be eighteen years old in May; seventeen now.
 Q The next? A James H.; a little boy; he is five years old.
 Q Next? A Gladys (G-l-a-d-y-s).
 Q How old is she? A Four.
 Q The next? A Benjamin.
 Q How old? A One.
 Q That is all, is it? A Yes sir.
 Q Is Kate Dumas the mother of all these children? A No sir; she is not the mother of Abbie.
 Q What was the name of your first wife? A Abbie Dumas.
 Q A-b-b-i-e? A Yes sir.
 Q Is she dead? A Yes sir.
 Q Was she a white woman? A Yes sir.
 Q Had no Indian blood? A No sir.
 Q And Abbie Dumas, your first wife, is the mother of Abbie A. Dumas? A Yes sir.
 Q Are these children all living with you at your home? A Yes sir.
 Q They claim their Choctaw blood from you? A Yes sir.
 Q You make application for yourself and these four children, do you? A Yes sir.
 Q Is your name or the name of any of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A Not that I know of, no sir.
 Q Have you ever made application for citizenship in the Choctaw Nation for yourself or any of your children to the Choctaw tribal authorities in the Indian Territory? A No sir.
 Q Have you ever made application for citizenship in the Choctaw Nation for yourself or children to the Commission to the Five Civilized Tribes under the Act of Congress of June 10, 1896? A No sir.
 Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
 Q Do you now come before the Commission for the purpose of being identified as Mississippi Choctaws? A Yes sir.
 Q And for the identification of these children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir.
 Q Do you understand the provisions of that article of that treaty? A No sir; not thoroughly.

The treaty of 1830 was made between the United States Government and the Choctaw Indians who lived in the old Choctaw Nation in Mississippi and Alabama at that time at a place called Dancing Rabbit Creek in Mississippi on the 27th day of September, 1830, and was made for the purpose, among others, of removing the Choctaw Indians from that old Choctaw Nation to the Choctaw Nation, Indian Territory. Before the treaty was signed on the 27th day of September it became known that a great many Choctaw Indians would refuse to go to the Choctaw Nation, Indian Territory and in order to protect their interests some provision had to be made in that treaty, which

provision was made in article fourteen of that treaty and which reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you know if any of your ancestors complied or attempted to comply with the provisions of that article? A I don't.

Q You understand that now, don't you? A Yes sir.

Q What was the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Well, my great-grandmother, Elizabeth Brasher.

Q Did she speak the Choctaw language, do you know? A Not that I know of.

Q How much Choctaw blood did she have? A A quarter.

Q In what way do you know she had a quarter? A I don't know; I have been taught it.

Q By whom? A My father.

Q Benjamin F. Dumas? A Yes sir.

Q What you know about it and about Elizabeth Brashers you get from him? A Through him I know it; yes.

Q Did she ever live in Mississippi and Alabama? A I can't tell you.

Q Do you know when or where she was born? A No sir.

Q Do you know when or where she was - she died? A No sir.

Q Did any of your ancestors, from Elizabeth Brashers or Dumas--- (she married a Dumas? A Yes; E.W.Dumas)---or any of your ancestors live in Mississippi or Alabama? A I don't know.

Q You don't know whether any of them owned any improvements on land in Mississippi or Alabama in 1830? A I don't know.

Q Or had a family there at that time? A I can't say.

Q Did any of your ancestors within six months from the ratification of this treaty of 1830 go to the United States Indian agent whose name was Col. Ward and tell him they wanted to stay in Mississippi, take land there and become citizens of the United States? A I don't know; I think not.

Q Did any of your Choctaw ancestors go from the old Choctaw Nation to the Choctaw Nation, Indian Territory with the other Indians between 1833 to 1838? A I think not, sir.

Q Did any of your ancestors, if Choctaws, own or claim any land under the fourteenth article of the treaty of 1830 in Mississippi or Alabama? A I don't know.

Q Did any of your Choctaw ancestors own or claim any land in Mississippi or Alabama or any benefits of any kind under any other article of the treaty of 1830 than article fourteen or under the supplement to that treaty? A I think not sir.

Q Did any of your Choctaw ancestors claim any benefits under any treaty made between the United States and the Choctaw Indians other than the treaty of 1830? A Not that I know of.

The Indians who remained in Mississippi after the treaty of 1830 was ratified refusing to go to the Indian Territory with the other Indians were required, if they wanted to take advantage of article fourteen of the treaty of 1830, to go to the United States Indian agent, Col. Ward, within six months from the ratification of the treaty of 1830 and tell him they wanted to stay in Mississippi, take land there and become citizens of the States. Those Choctaw Indians who did so and a great many of them did, should have had their names placed on a list known as Ward's Register, but his list contains the names of only seventy one heads of families out of the hundreds and perhaps thousands who went before him to make application under the fourteenth article of that treaty; his neglect to make a proper list of all the applicants who came before him pursuant to the provisions of the fourteenth article of that treaty caused a good many Indians who held land in Mississippi upon which they had improvements to lose both the land and improvements; they were taken from them by the Government and sold at Public Land Sale; this caused so many complaints among the Indians that Congress appointed a Commission in 1837 by Act approved March 3, that year, and this Commission went to Mississippi and heard claims under article fourteen and made lists of their names; in 1842 Congress appointed another Commission for the same purpose in August 23, that year, and this Commission went to Mississippi and heard claims under article fourteen and made lists of their names.

Q Q Are the names of any of your ancestors on either of these lists as persons who appeared before either of these Commissions and claimed benefits under article fourteen of that treaty? A I don't know sir.

The Act of Congress approved August 23, 1842, provided that if any Choctaw Indian proved his claim under article fourteen of the treaty of Dancing Rabbit Creek, if it also appeared that he had previously had land in Mississippi which the Government had taken from him he should be entitled to select land there in Mississippi, Alabama, Louisiana or Arkansas, to take the place of the land that had been taken from him and that he should be given a certificate or scrip as it was called to that effect.

Q Did any of your ancestors have any such scrip issued to them? A No sir.

Q What are the names of some of your relatives who have appeared before the Commission for identification, claiming through the same common ancestor? A Benjamin F. Dumas.

Q Your father? A Yes; appeared today. Mrs. McCreary.

Q Your aunt; she appeared today? A Yes sir. Lottie McCoy, my sister and Dan H. Dumas and Louis Dumas--

Q They appeared some time previous to this date? A Yes sir; and Scott S. Dumas, Belle Leslie and Victoria Pierce, and others.

- Q All claiming through Elizabeth Brashears? A Yes sir.
Q Your grandmother? A Yes sir.
Q Want to have their testimony considered with yours? A Yes sir.
Q Have you evidence or proof, or any witnesses you want to call?
A I haven't here.
Q Do you want time to present such? A Yes sir.

Reasonable time will be allowed for this purpose, if presented according to the rules of the Commission.

- Q Is there anything further you want to offer? A No sir.
Q Do you speak Choctaw? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; blue eyes, light complexion, sandy mustache and hair; he has no knowledge of the Choctaw language nor of the compliance by his ancestors with the provisions of the fourteenth article of the treaty of 1830.

-:-:-:-:-

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on January 17, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 20th day of January, 1902.

Charles Mitchell Wood
Notary Public.

Miss. Choctaw 4524

Muskogee, Indian Territory, May 3, 1902.

J. G. Ralls,
Attorney at Law,
Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of April 30, inclosing certificate of T. J. Crow to the destruction of the marriage records of Franklin County Georgia, during the Civil War, and the affidavits of A. J. Neal and Nancy B. Neal to the marriage of David and Eliza Dumas, which are offered in support of the application of J. D. Dumas et al., for identification as Mississippi Choctaws, and the same have been filed with the record in this case.

Yours truly,

Commissioner in Charge.

Miss. Choctaw 4524.

Muskogee, Indian Territory, November 12, 1902.

J. C. Ralls,

Atoka, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of November 10, inclosing the following documentary evidence for filing in support of the application for identification as Mississippi Choctaws of James D. Dumas, et al.:

Certified copy of marriage license and certificate between J. D. Dumas and Abbie A. Gillian, of June 4, 1880.

Certified copy of marriage license and certificate between J. D. Dumas and Kate Walker, of date January 23, 1895.

Certified copy of marriage license and certificate between Benjamin Dumas and Lucinda Grinnett.

The same have been filed with the record in the above named case.

Respectfully,

Acting Chairman.

COMMISSIONER
TAMM BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE
W. E. STANLEY

ALLISON L. AYLESWORTH
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

COPY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

M. C. R. 4524

MUSKOGEE, INDIAN TERRITORY, May 15, 1903.

James D. Dumas,
Clarksville, Texas.

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Scott S. Dumas, et al., embracing the following applications for identification as Mississippi Choctaws:

Scott S. Dumas, et al.,	M. C. R. 4006
Miles G. Lantrip,	M. C. R. 4737
Mary P. Phillips, et al.,	M. C. R. 4738
Isom Lantrip,	M. C. R. 4739
William T. Brasher, et al.,	M. C. R. 4740
Andy Brasher, et al.,	M. C. R. 4741
Robert L. Brasher,	M. C. R. 4742
Albert Collums,	M. C. R. 4743
James S. Collums,	M. C. R. 4744
Thaddeus W. Dumas,	M. C. R. 5737
Aurelius W. Dumas,	M. C. R. 5726
Alexander Dumas, et al.,	M. C. R. 6113
Sharkey H. Roth,	M. C. R. 5845
Mary E. Carothers, et al.,	M. C. R. 5700
Carrie McConico, et al.,	M. C. R. 5520
Bernard A. Williams, et al.,	M. C. R. 5144
Maud Cain, et al.,	M. C. R. 5807
Claude A. Grantham, et al.,	M. C. R. 5714
James J. Dumas, et al.,	M. C. R. 5717
Sydney L. Dumas,	M. C. R. 5803
Adella Caroline Hardin, et al.,	M. C. R. 5698
Lulu K. Smith, et al.,	M. C. R. 5699
Benjamin F. Dumas,	M. C. R. 4521
James D. Dumas, et al.,	M. C. R. 4524
Ennis Palmer, et al.,	M. C. R. 5857
Maud Terry, et al.,	M. C. R. 4525
Lottie McCoy,	M. C. R. 4522
Jane E. McCreary,	M. C. R. 4523
Mary C. L. Hollis, et al.,	M. C. R. 4222
William H. Hollis, et al.,	M. C. R. 4311
Lawrence W. Hollis, et al.,	M. C. R. 4310
Minnie H. Nicolds, et al.,	M. C. R. 4312
Mary C. McLeod, et al.,	M. C. R. 4313
Hattie E. Andrews, et al.,	M. C. R. 4314
Charlie T. Skinner, et al.,	M. C. R. 4315

Thomas H. Hollis,	M. C. R. 4309
Blanche G. Merchant,	M. C. R. 4223
Lawrence W. Dumas, et al.,	M. C. R. 5731
Mary A. Wade, et al.,	M. C. R. 5822
Willie P. Dumas, et al.,	M. C. R. 5810
John R. Dumas, et al.,	M. C. R. 5701
Carrie A. Wilkerson, et al.,	M. C. R. 5703
Maggie Ida Dumas,	M. C. R. 5702
William P. Mims,	M. C. R. 5985
Ransom E. Mims, et al.,	M. C. R. 5858
Frank E. Dumas,	M. C. R. 5732
Ben M. Dumas,	M. C. R. 5811
Edward W. Blakey, et al.,	M. C. R. 5425
Nannie Black, et al.,	M. C. R. 4185
Charles H. Black,	M. C. R. 4200
Ammon Wood, et al.,	M. C. R. 4202
Willie Wood,	M. C. R. 4203
Ellington Wood,	M. C. R. 4199
Edna Fry,	M. C. R. 4286
Robert B. Shipp, et al.,	M. C. R. 4285
Maria J. Crawford, et al.,	M. C. R. 4115
Majie J. Crawford Cole, et al.,	M. C. R. 4116
Elizabeth Baxter Caldwell, et al.,	M. C. R. 4114
Jennie B. H. Calhoun, et al.,	M. C. R. 4117
J. M. Crawford, et al.,	M. C. R. 4094
Robert H. Crawford,	M. C. R. 4164
Edna M. Folliard, et al.,	M. C. R. 4168
Everett B. Crawford, et al.,	M. C. R. 4165
Edwin R. Crawford,	M. C. R. 4077
Pinkie Creager, et al.,	M. C. R. 4169
Fannie Sharp, et al.,	M. C. R. 4433
George H. Gresham,	M. C. R. 4098
Oliver P. Gresham, et al.,	M. C. R. 4095
Robert O. Gresham, et al.,	M. C. R. 4201
Erma Biglow,	M. C. R. 4435
David E. Dumas,	M. C. R. 4651
DeBerry G. Dumas, et al.,	M. C. R. 4119
Birdie D. Carlet, et al.,	M. C. R. 4123
Mack O. Dumas,	M. C. R. 4658
Susan M. Hendricks,	M. C. R. 4121
Onia Ann Stephens, et al.,	M. C. R. 4096
Jackson E. Hendricks, Jr., et al.,	M. C. R. 4126
Mary H. Decker, et al.,	M. C. R. 4122
Helen Martin, et al.,	M. C. R. 4097
John W. Dumas,	M. C. R. 5012
Ada B. Ewing, et al.,	M. C. R. 4284
Minnie P. Dumas,	M. C. R. 5011
Malinda Blanks, et al.,	M. C. R. 4118
William C. Blanks, et al.,	M. C. R. 4135
Robert E. Blanks, et al.,	M. C. R. 4139
Nora E. Binford,	M. C. R. 4125
Birdie A. Wilson, et al.,	M. C. R. 4134
Albert G. Dumas, et al.,	M. C. R. 4631
Roxanna Freeman, et al.,	M. C. R. 4850
Arizona Elizabeth Daniels, et al.,	M. C. R. 4633
Dixie Dumas Connolly, et al.,	M. C. R. 4632
Maude Florence Clark, et al.,	M. C. R. 5713
May L. Brown,	M. C. R. 5725

Murat Dumas, et al.,	M. C. R. 5715
Lula A. Dumas,	M. C. R. 5716
Lena Fulton, et al.,	M. C. R. 4144
Lauren Scott Cannon, et al.,	M. C. R. 4145
Eula Umphress, et al.,	M. C. R. 4146
Pearl Barron, et al.,	M. C. R. 4147
James W. Wheat, et al.,	M. C. R. 4695
Ivy A. Fowler,	M. C. R. 4696
Dan H. Dumas, et al.,	M. C. R. 3766
Eula D. Shivel,	M. C. R. 4075
Walter W. Dumas,	M. C. R. 4015
James P. Dumas,	M. C. R. 3503
Travis M. Dumas, et al.,	M. C. R. 4007
Verna J. Dumas, et al.,	M. C. R. 4140
Laura D. Cole, et al.,	M. C. R. 4141
Victoria J. Pierce, et al.,	M. C. R. 4066
Lee W. T. Herman,	M. C. R. 4254
Annie B. Wallace, et al.,	M. C. R. 4250
Louis Dumas, et al.,	M. C. R. 4014
Belle Leslie, et al.,	M. C. R. 4067
John F. Sanders, et al.,	M. C. R. 5445
Nancy J. Whorton, et al.,	M. C. R. 5446
James L. Sanders,	M. C. R. 5560
Julia A. Wells,	M. C. R. 5559
Emsley M. Sanders, et al.,	M. C. R. 5804
Cora C. Bond, et al.,	M. C. R. 4620
Margaret K. Aston, et al.,	M. C. R. 4562
Mary Jane Damron, et al.,	M. C. R. 5805
William E. Aston, et al.,	M. C. R. 4583
Vic Damron, et al.,	M. C. R. 4619
Cynthia Jane Dicken, et al.,	M. C. R. 4582
William T. Sanders, et al.,	M. C. R. 5444
James P. Sanders, et al.,	M. C. R. 4069
Missieniah Ellison, et al.,	M. C. R. 4154
Lillie Page, et al.,	M. C. R. 4155
Walter H. Thompson,	M. C. R. 4142
Jeff D. Thompson, et al.,	M. C. R. 4016
Mary A. Ferguson, et al.,	M. C. R. 4772
Vergie J. Powers, et al.,	M. C. R. 4773
Willie E. Ferguson, et al.,	M. C. R. 4774
Alonzo A. Ferguson,	M. C. R. 4775
Sue A. Thompson, et al.,	M. C. R. 4389
Ada Thompson,	M. C. R. 4076
Emma C. Canon, et al.,	M. C. R. 3414
Winnie D. Canon,	M. C. R. 3415
Delmer Canon,	M. C. R. 3761
George Thompson, et al.,	M. C. R. 3756
George Homer Thompson,	M. C. R. 3757
Ida Sandford,	M. C. R. 3759
Lula Thompson Noe, et al.,	M. C. R. 3760
Verner L. Dumas,	M. C. R. 5719
James Don Dumas, et al.,	M. C. R. 5720
Claude E. Dumas, et al.,	M. C. R. 5721
Missie E. Biggerstaff, et al.,	M. C. R. 5722
Nettie A. Woolverton,	M. C. R. 6185
Elizabeth Wood,	M. C. R. 6268
Eula P. Niswander, et al.,	M. C. R. 6342
Lawrence L. Thompson, et al.,	M. C. R. 6373

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Scott S. Dumas, Ruth Dumas, Miles G. Lantrip, Mary P. Phillips, Early E. Phillips, Esther E. Phillips, Maud E. Phillips, Leo R. Phillips, Myrtle Phillips, Leland Phillips, Durelle Phillips, Rex Phillips, Isom Lantrip, William T. Brasher, Malt Brasher, Vaudy Brasher, Cordy Brasher, Andy Brasher, Ada Brasher, William C. Brasher, Robert L. Brasher, Albert Collums, James S. Collums, Thaddeus W. Dumas, Aurelius W. Dumas, Alexander Dumas, Dixie M. Dumas, Melville Sidney Dumas, Charles I. Dumas, Sharkey H. Roth, Mary E. Carothers, Ida Blanche McClurg, Susie May McClurg, Ada Maud McClurg, Monroe McClurg, Carrie McConico, Nannie May Mobley, Henry Pope Mobley, Willie McConico, Bernard A. Williams, Marcell Williams, John Williams, Vernie Williams, Maud Williams, Hattie Williams, Maud Cain, John Joseph Cain, Ida May Cain, Claude A. Grantham, Claudia May Grantham, James J. Dumas, Lawrence Dumas, Sydney L. Dumas, Adella Caroline Hardin, Ollie Caroline Hardin, Clyde Abraham Hardin, Lula K. Smith, Opal Smith, Benjamin F. Dumas, James D. Dumas, Abbie A. Dumas, James H. Dumas, Gladys Dumas, Benjamin Dumas, Ennis Palmer, Edgar Palmer, Erbert Palmer, Maud Terry, Moina Terry, Dumas Terry, Millwee Terry, Lottie McCoy, Jane E. McCreary, Mary C. L. Hollis, Linnie L. Hollis, William H. Hollis, William H. Hollis, Jr., Lawrence W. Hollis, Eva M. Hollis, Lawrence W. Hollis, Jr., Beatrice M. Hollis, Scott W. Hollis, Minnie H. Nicolds, Richard Nicolds, Hollis Nicolds, Kate Nicolds, Edward Nicolds, Minnie Nicolds, Mary C. McLeod, Mary L. McLeod, Hattie E. Andrews, Max R. Andrews, Jr., Hattie E. Andrews (2), Charlie T. Skinner, Blanche L. Skinner, Thomas H. Hollis, Blanche G. Merchant, Lawrence W. Dumas, Mallie T. Dumas, Annie C. Dumas, Katie L. Dumas, Janie S. Dumas, Lawrence W. Dumas, Jr., Mary A. Wade, Edgar D. Wade, Glennan A. Wade, Willie P. Dumas, Jennie W. Dumas, Clark G. Dumas, Faris Dumas, John R. Dumas, Walter A. Dumas, Justin R. Dumas, Carrie A. Wilkerson, James A. Wilkerson, Walter D. Wilkerson, Maggie Ida Dumas, William P. Mims, Ransom E. Mims, Oscar M. Mims, William T. Mims, Frank E. Dumas, Ben M. Dumas, Edward W. Blakey, Edna Blakey, John Blakey, Nannie Black, Catherine Black, Charles H. Black, Ammon Wood, Willie A. Wood, Leslie B. Wood, Willie Wood, Ellington Wood, Edna Fry, Robert B. Shipp, Ruby B. Shipp, Maria J. Crawford, Lucille Crawford, Ghent Crawford, Ed S. Crawford, Jr., Jodie F. Crawford, Majie J. Crawford Cole, Jewel L. Cole, James A. Cole, Susie M. Cole, Christine Cole, Majie Douglass Cole, Elizabeth Baxter Caldwell, Mabel E. Caldwell, Jodie Lee Caldwell, Jennie B. H. Calhoun, Owen H. Calhoun, Edwin C. Calhoun, J. M. Crawford, Edwin Dickey Crawford, Hattie May Crawford, James M. Crawford, Jr., Ellen Lee Crawford, Robert H. Crawford, Edna M. Folliard, Crawford J. Folliard, Aileen Folliard, Cecil H. Folliard, William Richard Folliard, Everett B. Crawford, Everett B. Crawford, Jr., Edwin R. Crawford, Pinkie Creager, Margaret E. Creager, Fannie Sharp, Dan M. Sharp, Charlotte Jane Sharp, George H. Gresham, Oliver P. Gresham, Lizzie D. Gresham, Frances Margret Gresham, Robert O. Gresham, Hill Campbell Gresham, Erma Biglow, David E. Dumas, DeBerry G. Dumas, Walter A. Dumas, Birdie D. Carlet, Glenna W. Carlet, Helen C. Carlet, Mack O. Dumas, Susan M. Hendricks, Onia Ann Stephens, Leno A. Stephens, Harold Richard Stephens, Louise Stephens, Vernon Stephens, Charles Edwin Stephens, Jr., Jackson E. Hendricks, Jr., Hallie H. Hendricks, Ruth Hendricks, Rubie Hendricks, Mary H. Decker, William H. Decker, Jr., Susan H. Decker, Helen Martin, Vera Martin, Alma Martin, Samuel Martin, John W. Dumas, Ada B. Ewing, Freda Ewing, Mabel Ewing, Minnie P. Dumas, Malinda Blanks, Arthur Blanks, William C. Blanks, Ruth J. Blanks, Mary G. Blanks, Robert E. Blanks, Robert E. Blanks, Jr., Nora E. Binford, Birdie A. Wilson, John H. Wilson, Albert G. Dumas, Arline Dumas, Lisle Dumas, Dixie D. Dumas, Roxanna Freeman, William Clyde Freeman, Arizona Elizabeth Daniels, Stafford Livonia Daniels, Dixie Dumas Connolly, Sybil Connolly, Frank C. Connolly, Maude Florence Clark, Irene L. Clark, May L. Brown, Murat Dumas, Eugene Dumas, Lula A. Dumas, Lena Fulton, J. Harold Fulton, Clifford C. Fulton, Lauren Scott Cannon, Josiah R. Cannon, Kathleene Cannon, Eula Umphress, Carl C. Umphress, Helen M. Umphress, Pearl Barron, Guyon Elizabeth Barron, James W. Wheat, Dumas Wheat, Ivy A. Fowler, Dan H. Dumas, Harriet Pinkey Dumas, Eula D. Shivel, Walter W. Dumas, James P. Dumas, Travis M. Dumas, Lige F. Dumas,

Verna J. Dumas, Hazel A. Dumas, Laura D. Cole, Dorothy Cole, Victoria J. Pierce, Louis Pierce, Arthur Pierce, Lee W. T. Herman, Annie B. Wallace, Gladys Wallace, Marvin Wallace, Hortense Wallace, Ferrol Wallace, Louis Dumas, Ward Lamont Dumas, Fred Dumas, Mary A. E. Dumas, Belle Leslie, Gerline Leslie, Mae D. Leslie, Lloyd Leslie, Karl Leslie, John F. Sanders, Robert D. Sanders, Cynthia Beatrice Sanders, Turner Lee Sanders, Nancy J. Whorton, Mabel Whorton, James L. Sanders, Julia A. Wells, Emsley M. Sanders, Dottie Sanders, Cora C. Bond, Callie Bond, Ray M. Bond, Clede Bond, Margaret K. Aston, Belva Lockwood Aston, Mary Jane Damron, Emma J. Damron, Claud M. Damron, Maud Damron, Lila C. Damron, Walter W. Damron, Minnie Damron, Mamie Damron, Joseph Scott Damron, William E. Aston, Eula M. Aston, Verna D. Aston, Texanna Aston, Willie Eunice Aston, Lonie H. Aston, William Edward Aston, Jr., Vic Damron, Clara Bell Damron, Hugh Ella Damron, Jimmie Otha Damron, Nora May Damron, Willie Monroe Damron, Cynthia Jane Dicken, John R. Ferguson, William T. Sanders, Louis Burke Sanders, Wilda D. Sanders, James P. Sanders, Nellie Sanders, Cora Sanders, Olive Sanders, Missioniah Ellison, Lena Nichols, Alma Ellison, Lillie Page, Marie Page, Catharine Page, Walter H. Thompson, Jeff D. Thompson, Clarence E. Thompson, James A. Thompson, Willie L. Thompson, Madeline F. Thompson, Gracie L. Thompson, Elsie Thompson, Mary L. Thompson, Minnie L. Thompson, Essie B. Thompson, Myrtle Thompson, John L. Thompson, Mary A. Ferguson, Julia A. Ferguson, Jeff Ferguson, Scotty S. Ferguson, Georgie B. Ferguson, Loverd E. Ferguson, Vergie J. Powers, Murray Powers, Maybell Powers, Willie E. Ferguson, Vergie B. Ferguson, Frank G. Ferguson, Alonzo A. Ferguson, Sue A. Thompson, May Thompson, Ada Thompson, Emma C. Canon, Emsley J. Canon, Alexander Canon, Tullie Clyde Canon, Winnie D. Canon, Delmer Canon, George Thompson, Charlie W. Thompson, Luther Bell Thompson, Mary Gertrude Thompson, George Homer Thompson, Ida Sanford, Lula Thompson Noe, Chester William Noe, Verner L. Dumas, James Don Dumas, Ella May Dumas, Claude E. Dumas, Jim Dumas, Missie E. Biggerstaff, Dora Biggerstaff, John M. Biggerstaff, Winnie Biggerstaff, Gladys Biggerstaff, Nettie A. Woolverton, Elizabeth Wood, Eula P. Niswander, Mildred Niswander, Lawrence L. Thompson, Mildred Bell Thompson, Lawrence L. Thompson, Jr., Cornelia Elizabeth Thompson and Willie Thompson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,
(SIGNED).

James D. Dancy

Chairman.

Registered.

M C R 4524

Muskogee, Indian Territory, April 28, 1905.

James D. Dumas,

Ego, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the application for the enrollment as a citizen of the Choctaw Nation of Jennie M. Dumas, infant daughter of James D. and Kate Dumas, born February 14, 1905.

Respectfully,

Chairman.

COPY.

MCR 4524

Muskogee, Indian Territory, January 22, 1906.

James D. Dumas,
Clarksville, Texas.

Dear Sir:

You are hereby notified that the Secretary of the Interior on January 5, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, refusing the applications of the several persons in the consolidated Mississippi Choctaw case of Scott S. Dumas, et al., of which the application for the identification of yourself and children as Mississippi Choctaws is a part.

Respectfully,

Tamm Kirby

Commissioner

No. 4524

For Identification as a Mississippi Choctaw.

Date JAN 17 1909

Name James H. Dumas.

Age 41 — Blood 1/32

Post Office, Clarkville, Texas.

Father: B. F. Dumas — l

Mother: Mary L. " l

Claims through father

wife (2) Kate Dumas l. w.
(mother of 3 younger children)
No claim for wife —

wife (1) Abbie Dumas, d. w.
(mother of Abbie A. Dumas)

Children:

Abbie A. Dumas. 17

James H. " 15

Gladys " 4

Benjamin " 1

Claims for self &
4 children

Choctaw MCR 4525

Maud Terry

See MCR 4006

MCR 4525

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I.T. January 17, 1902.

4275

In the matter of the application of Maud Terry for the identification of herself and her three minor children, Meina, Dumas and Millwee Terry, as Mississippi Choctaws.

J.G.Ralls, attorney for applicant:

Maud Terry being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Maud Terry: (T-e-r-r-y)
Q What is your age? A I wenty-- thirty two (32).
Q What is your post office address? A Clarksville, Texas.
Q How long have you lived in Clarksville? A About sixteen years.
Q Where were you born? A In Titus County, Texas
Q Have you always lived in Texas? A Yes sir.
Q Are your parents living? A Yes sir.
Q What is your father's name? A Benjamin Franklin Dumas.
Q He appeared for identification on the above date, January 17, did he not? A Yes sir.
Q What is your mother's name? A Mary L. Dumas.
Q Through which parent do you claim your Choctaw blood? A My father.
Q How much Choctaw blood do you claim? A A thirty second.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe by the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A He was this morning.
Q Well, he has never been recognized or enrolled? A No sir.
Q He appeared here this morning, you mean? A Yes sir.
Q Have you the marriage license of your father and mother? A No sir.
Q Do you think you can produce it? A Yes, I do.

Reasonable time will be allowed for that purpose.

- Q Are you married? A Yes sir.
Q What is your husband's name? A John W. Terry.
Q Is he living? A Yes sir.
Q And a white man? A Yes sir.
Q Has he Indian blood? A No sir.

Q You don't make any claim for him, do you, as an Indian? A No sir.
Q Have you any children under twenty one years of age and unmarried that you want to make application for? A I have three.
Q What is the name of the oldest? A Moina Terry; she is twelve years old - (M-o-i-n-a).
Q Next? A Dumas Terry; he is nine. Millwes Terry, he is five.
Q Next? A That is all.
Q You claim for yourself and children, do you? A Yes sir.
Q Is John W. Terry the father of these children? A Yes sir.
Q Was he ever married before he married you? A No sir.
Q Were you ever married before you married him? A No sir.
Q Is your name or the name of any of your children on the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Have you ever made application for yourself or children for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Commission to the Five Civilized Tribes under the Act of Congress of June 10, 1896? A No sir.
Q Have you ever been admitted with your children to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
Q Have you ever prior to this time sought to become enrolled as a Choctaw Indian or tried to have your children enrolled by making application to either the Choctaw tribal authorities or the authorities of the United States? A No sir.
Q Do you now come before the Commission for the purpose of being identified, yourself and children, as Choctaw Indians claiming under article fourteen of the treaty of 1830? A We do; yes sir.
Q Do you understand the provisions of that article of that treaty? A Yes sir.
Q Do you care to have it further explained? A No sir.
Q It will be read without the explanation.

Article fourteen of the treaty of 1830 reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of Choctaw citizens but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you think you understand that now? A Yes sir.
Q Did any of your ancestors comply or attempt to comply with any of the provisions of that article of that treaty? A I don't know.

Q Through whom do you claim your Choctaw blood? A My father.
 Q Your remote ancestor going back to him in a direct line? A My great grandmother, Elizabeth Brashears.
 Q What was her married name? A Dumas.
 Q Whom did she marry? A E.W. Dumas.
 Q Was he a Choctaw Indian or a white man? A He was a white man.
 Q Do you know what his business or occupation was? A I don't.
 Q You don't know whether he was a trader at that time in Mississippi? A No sir.
 Q Did he live in Mississippi or Alabama or did his wife, Elizabeth Brashears live there in their time? A I think so; I don't know.
 Q Did she have a family in Mississippi in 1830? A I don't know.
 Q Did she or any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama at that time? A I don't know.
 Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian agent, Col. Ward, and tell him that they wanted to stay in Mississippi take land there and become citizens of the States? A I don't know.
 Q Did any of your Choctaw ancestors go from the old Choctaw Nation to the Choctaw Nation, Indian Territory, between 1833 to 1838 or 1840 with the other Indians? A I don't know.
 Q Did any of your Choctaw ancestors to your knowledge own or claim any land in Mississippi or Alabama under article fourteen of the treaty of 1830? A I don't know.
 Q Did they own or claim any under any other article of the treaty of 1830 than article fourteen or under the supplement? A I don't know.
 Q Did any of your Choctaw ancestors own or claim any benefits under any treaty between the United States and the Choctaw Indians other than the treaty of 1830? A I don't know.

The article that has been referred to, article fourteen of the treaty of 1830, provided that if any Indian wanted to stay in Mississippi after the treaty of 1830 was ratified, that he might do so provided that he did certain things, which were, that, within six months from the treaty of 1830's ratification he should go to the United States Indian agent in Mississippi and tell him that he wanted to stay in Mississippi, take land there and become a citizen of the States; they wanted to live on it five years in order to get a deed from the Government for it: in other words, it was a declaration of intention on their part to abandon Choctaw citizenship and to assume United States citizenship. A good many Indians did this within the time specified and their names should have appeared upon his list known as Ward's Register; of the hundreds and perhaps thousands who made these declarations within the time limited by article fourteen only seventy one heads of families were placed on this list. Ward's neglect to make a complete and proper list of all who appeared before him caused many to lose both their lands and improvements which were taken from them by the Government and sold at Public Land Sale. This caused so many complaints among the Indians especially by those who lost their lands that in March 3, 1837, Congress appointed a Commission to go to Mississippi and hear claims under article fourteen of the treaty of 1830; in 1842 another Commission was appointed by Congress for the same purpose, under an Act approved August 23, 1842, and this Commission also went to Mississippi and heard claims under article fourteen of that treaty? xxx

Q Did you ever hear that any of your ancestors, if Choctaw Indians,

appeared before either of these Commissions claiming benefits under article fourteen? A I don't know.

The Act of Congress approved August 23, 1842, provided that if any Indian proved his claim under article fourteen and furthermore proved that he had had land in Mississippi which the Government had taken from him and sold he should be entitled to select land in place of the land taken from him either in Mississippi, Alabama, Louisiana or Arkansas, and that a certificate, or as they called it, scrip should be issued to him allowing him to do so.

Q Did any of your Choctaw ancestors receive any such scrip from the Government of the United States as Choctaw Indians? A I don't know.
Q What are the names of some of your relatives who have applied for identification and who claim through the same ancestor, Elizabeth Brashears? A Benjamin F. Dumas, my father; Jane E. McCreary, an aunt; Lottie McCoy, a sister and James D. Dumas, my brother.
Q Any others who have appeared previously before the Commission.
A Dan Dumas; Scott Dumas, Belle Leslie, Victoria Pierce and others.
Q Would you like to have your testimony considered in connection with the testimony of all those who claim through the same common ancestor in order that you may get the benefit of what they have testified to? A Yes sir.
Q Is there anything more you want to say now in support of this claim? A No sir.
Q Have you any witnesses you desire to call or any other testimony or evidence you want to present now? A Not now.
Q Would you like time? A Yes sir.

Reasonable time will be allowed for the introduction of other evidence if presented under the rules of the Commission.

Q Do you understand or speak Choctaw? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage-, brown hair, blue eyes and ruddy complexion; she has no knowledge of the Choctaw language and no knowledge of the compliance on that part of her ancestors with the provisions of the fourteenth article of the treaty of 1830.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on January 17, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 20th day of January, 1902.

Harriet Mitchell

Notary Public.

Miss. Choctaw 4525

Muskogee, Indian Territory, November 12, 1902.

J. G. Ralls,

Atoka, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of November 10, inclosing certified copy of marriage license and certificate between J. W. Terry and M. M. Dumas, which you forward in support of the application of Maud Terry, et al. for identification as Mississippi Choctaws, and the same has been filed with the record in this case.

Respectfully,

Acting Chairman.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

COPY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M. C. R. 4525.

MUSKOGEE, INDIAN TERRITORY, May 15, 1903

Maud Terry,
Clarksville, Texas.

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Scott S. Dumas, et al., embracing the following applications for identification as Mississippi Choctaws:

Scott S. Dumas, et al.,	M. C. R. 4006
Miles G. Lantrip,	M. C. R. 4737
Mary P. Phillips, et al.,	M. C. R. 4738
Isom Lantrip,	M. C. R. 4739
William T. Brasher, et al.,	M. C. R. 4740
Andy Brasher, et al.,	M. C. R. 4741
Robert L. Brasher,	M. C. R. 4742
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These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Scott S. Dumas, Ruth Dumas, Miles G. Lantrip, Mary P. Phillips, Early E. Phillips, Esther E. Phillips, Maud E. Phillips, Leo R. Phillips, Myrtle Phillips, Leland Phillips, Durelle Phillips, Rex Phillips, Isom Lantrip, William T. Brasher, Maltie Brasher, Vaudy Brasher, Cordy Brasher, Andy Brasher, Ada Brasher, William C. Brasher, Robert L. Brasher, Albert Collums, James S. Collums, Thaddeus W. Dumas, Aurelius W. Dumas, Alexander Dumas, Dixie M. Dumas, Melville Sidney Dumas, Charles I. Dumas, Sharkey H. Roth, Mary E. Carothers, Ida Blanche McClurg, Susie May McClurg, Ada Maud McClurg, Monroe McClurg, Carrie McConico, Nannie May Mobley, Henry Pope Mobley, Willie McConico, Bernard A. Williams, Marcella Williams, John Williams, Vernie Williams, Maud Williams, Hattie Williams, Maud Cain, John Joseph Cain, Ida May Cain, Claude A. Grantham, Claudia May Grantham, James J. Dumas, Lawrence Dumas, Sydney L. Dumas, Adella Caroline Hardin, Ollie Caroline Hardin, Clyde Abraham Hardin, Lula K. Smith, Opal Smith, Benjamin F. Dumas, James D. Dumas, Abbie A. Dumas, James H. Dumas, Gladys Dumas, Benjamin Dumas, Ennis Palmer, Edgar Palmer, Erbert Palmer, Maud Terry, Moina Terry, Dumas Terry, Millwee Terry, Lottie McCoy, Jane E. McCreary, Mary C. L. Hollis, Linnie L. Hollis, William H. Hollis, William H. Hollis, Jr., Lawrence W. Hollis, Eva M. Hollis, Lawrence W. Hollis, Jr., Beatrice M. Hollis, Scott W. Hollis, Minnie H. Nicolds, Richard Nicolds, Hollis Nicolds, Kate Nicolds, Edward Nicolds, Minnie Nicolds, Mary C. McLeod, Mary L. McLeod, Hattie E. Andrews, Max R. Andrews, Jr., Hattie E. Andrews (2), Charlie T. Skinner, Blanche L. Skinner, Thomas H. Hollis, Blanche G. Merchant, Lawrence W. Dumas, Mallie T. Dumas, Annie C. Dumas, Katie L. Dumas, Janie S. Dumas, Lawrence W. Dumas, Jr., Mary A. Wade, Edgar D. Wade, Glennan A. Wade, Willie P. Dumas, Jennie W. Dumas, Clark G. Dumas, Faris Dumas, John R. Dumas, Walter A. Dumas, Justin R. Dumas, Carrie A. Wilkerson, James A. Wilkerson, Walter D. Wilkerson, Maggie Ida Dumas, William P. Mims, Ransom E. Mims, Oscar M. Mims, William T. Mims, Frank E. Dumas, Ben M. Dumas, Edward W. Blakey, Edna Blakey, John Blakey, Nannie Black, Catherine Black, Charles H. Black, Ammon Wood, Willie A. Wood, Leslie B. Wood, Willie Wood, Ellington Wood, Edna Fry, Robert B. Shipp, Ruby B. Shipp, Maria J. Crawford, Lucille Crawford, Ghent Crawford, Ed S. Crawford, Jr., Jodie F. Crawford, Majie J. Crawford Cole, Jewel I. Cole, James A. Cole, Susie M. Cole, Christine Cole, Majie Douglass Cole, Elizabeth Baxter Caldwell, Mabel E. Caldwell, Jodie Lee Caldwell, Jennie B. H. Calhoun, Owen H. Calhoun, Edwin C. Calhoun, J. M. Crawford, Edwin Dickey Crawford, Hattie May Crawford, James M. Crawford, Jr., Ellen Lee Crawford, Robert H. Crawford, Edna M. Folliard, Crawford J. Folliard, Aileen Folliard, Cecil H. Folliard, William Richard Folliard, Everett B. Crawford, Everett B. Crawford, Jr., Edwin R. Crawford, Pinkie Creager, Margaret E. Creager, Fannie Sharp, Dan M. Sharp, Charlotte Jane Sharp, George H. Gresham, Oliver P. Gresham, Lizzie D. Gresham, Frances Margret Gresham, Robert O. Gresham, Hill Campbell Gresham, Erma Biglow, David E. Dumas, DeBerry G. Dumas, Walter A. Dumas, Birdie D. Carlet, Glenna W. Carlet, Helen C. Carlet, Mack O. Dumas, Susan M. Hendricks, Onia Ann Stephens, Leno A. Stephens, Harold Richard Stephens, Louise Stephens, Vernon Stephens, Charles Edwin Stephens, Jr., Jackson E. Hendricks, Jr., Hallie H. Hendricks, Ruth Hendricks, Rubie Hendricks, Mary H. Decker, William H. Decker, Jr., Susan H. Decker, Helen Martin, Vera Martin, Alma Martin, Samuel Martin, John W. Dumas, Ada B. Ewing, Freda Ewing, Mabel Ewing, Mennie P. Dumas, Malinda Blanks, Arthur Blanks, William C. Blanks, Ruth J. Blanks, Mary G. Blanks, Robert E. Blanks, Robert E. Blanks, Jr., Nora E. Binford, Birdie A. Wilson, John H. Wilson, Albert G. Dumas, Arline Dumas, Lisle Dumas, Dixie D. Dumas, Roxanna Freeman, William Clyde Freeman, Arizona Elizabeth Daniels, Stafford Livonia Daniels, Dixie Dumas Connolly, Sybil Connolly, Frank C. Connolly, Maude Florence Clark, Irene L. Clark, May L. Brown, Murat Dumas, Eugene Dumas, Lula A. Dumas, Lena Fulton, J. Harold Fulton, Clifford C. Fulton, Lauren Scott Cannon, Josiah R. Cannon, Kathleene Cannon, Eula Umphress, Carl C. Umphress, Helen M. Umphress, Pearl Barton, Guyon Elizabeth Barron, James W. Wheat, Dumas Wheat, Ivy A. Fowler, Dan H. Dumas, Harriet Pinkey Dumas, Eula D. Shivel, Walter W. Dumas, James P. Dumas, Travis M. Dumas, Lige F. Dumas.

Verna J. Dumas, Hazel A. Dumas, Laura D. Cole, Dorothy Cole, Victoria J. Pierce, Louis Pierce, Arthur Pierce, Lee W. T. Herman, Annie B. Wallace, Gladys Wallace, Marvin Wallace, Hortense Wallace, Ferrol Wallace, Louis Dumas, Ward Lamont Dumas, Fred Dumas, Mary A. E. Dumas, Belle Leslie, Gerline Leslie, Mae D. Leslie, Lloyd Leslie, Karl Leslie, John F. Sanders, Robert D. Sanders, Cynthia Beatrice Sanders, Turner Lee Sanders, Nancy J. Whorton, Mabel Whorton, James L. Sanders, Julia A. Wells, Emsley M. Sanders, Dottie Sanders, Cora C. Bond, Callie Bond, Ray M. Bond, Clede Bond, Margaret K. Aston, Belva Lockwood Aston, Mary Jane Damron, Emma J. Damron, Claud M. Damron, Maud Damron, Lila C. Damron, Walter W. Damron, Minnie Damron, Mamie Damron, Joseph Scott Damron, William E. Aston, Eula M. Aston, Verna D. Aston, Texanna Aston, Willie Eunice Aston, Lonie H. Aston, William Edward Aston, Jr., Vic Damron, Clara Bell Damron, Hugh Ella Damron, Jimmie Otha Damron, Nora May Damron, Willie Monroe Damron, Cynthia Jane Dicken, John R. Ferguson, William T. Sanders, Louis Burke Sanders, Wilda D. Sanders, James P. Sanders, Nellie Sanders, Cora Sanders, Olive Sanders, Missieniah Ellison, Lena Nichols, Alma Ellison, Lillie Page, Marie Page, Catharine Page, Walter H. Thompson, Jeff D. Thompson, Clarence E. Thompson, James A. Thompson, Willie L. Thompson, Madeline F. Thompson, Gracie L. Thompson, Elsie Thompson, Mary L. Thompson, Minnie L. Thompson, Essie B. Thompson, Myrtle Thompson, John L. Thompson, Mary A. Ferguson, Julia A. Ferguson, Jeff Ferguson, Scotty S. Ferguson, Georgie B. Ferguson, Lovard E. Ferguson, Vergie J. Powers, Murray Powers, Maybell Powers, Willie E. Ferguson, Vergie B. Ferguson, Frank G. Ferguson, Alonzo A. Ferguson, Sue A. Thompson, May Thompson, Ada Thompson, Emma C. Canon, Emsley J. Canon, Alexander Canon, Tullie Clyde Canon, Winnie D. Canon, Delmer Canon, George Thompson, Charlie W. Thompson, Luther Bell Thompson, Mary Gertrude Thompson, George Homer Thompson, Ida Sanford, Lula Thompson Noe, Chester William Noe, Verner L. Dumas, James Don Dumas, Ella May Dumas, Claude E. Dumas, Jim Dumas, Missie E. Biggerstaff, Dora Biggerstaff, John M. Biggerstaff, Winnie Biggerstaff, Gladys Biggerstaff, Nettie A. Woolverton, Elizabeth Wood, Eula P. Niswander, Mildred Niswander, Lawrence L. Thompson, Mildred Bell Thompson, Lawrence L. Thompson, Jr., Cornelia Elizabeth Thompson and Willie Thompson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

James D. Dancy

Chairman.

Registered.

REFER IN REPLY TO THE FOLLOWING

MCR 4525

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

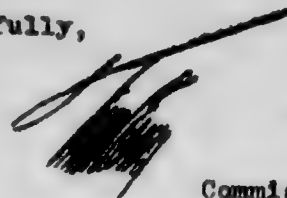
Muskogee, Indian Territory, January 22, 1906.

Maud Terry,
Clarksville, Texas.

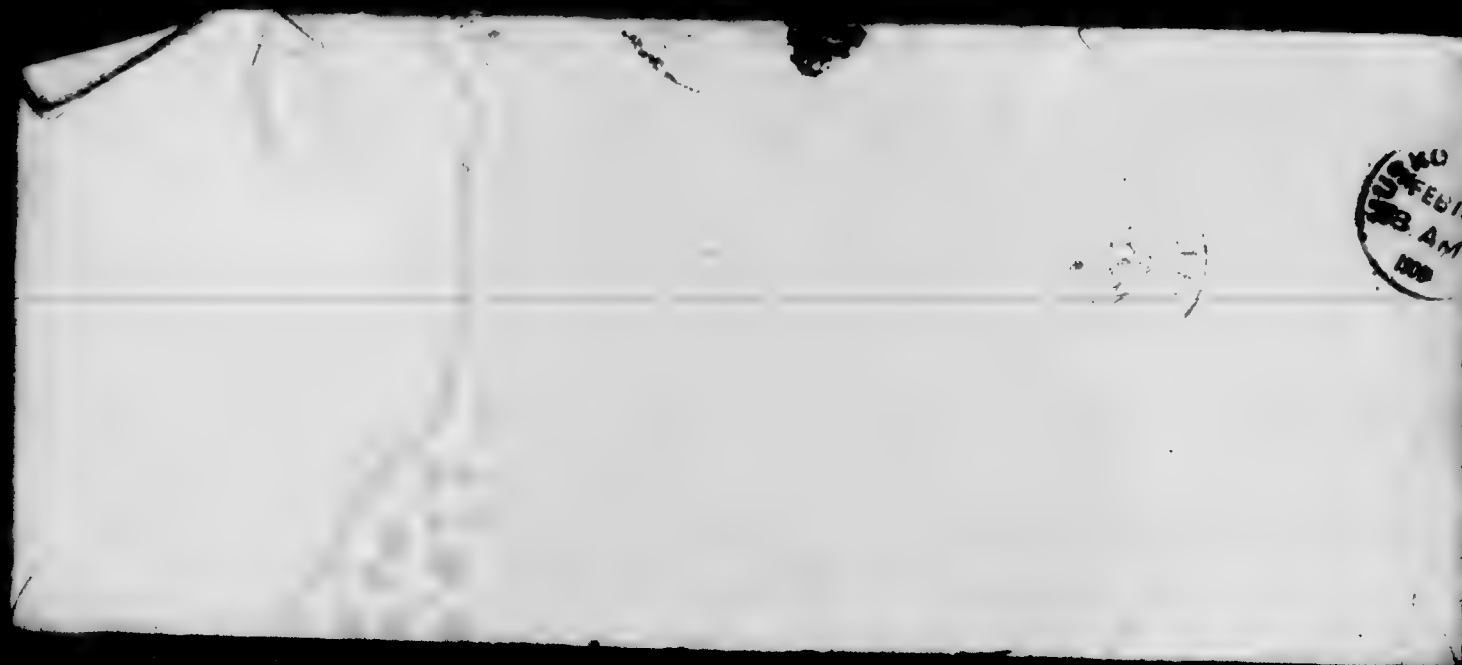
Dear Madam:

You are hereby notified that the Secretary of the Interior on January 5, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, refusing the applications of the several persons in the consolidated Mississippi Choctaw case of Scott S. Dumas, et al., of which the application for the identification of yourself and your children as Mississippi Choctaws, is a part.

Respectfully,

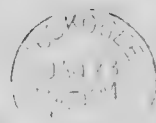


Commissioner.



NO
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Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.



Ward Terry,

Charlsville, Texas.

For Identification as a Mississippi Choctaw.

Date

JAN 17 1902

Name Maud Terry — —

Age 32

Blood

1/32

Post Office, Clarksville, Texas.

Father: Benjamin T. Thomas, l

Mother: Mary L. " l

Claims through father — —
husband.

John W. Terry, l. w.

Claims nothing for
husband

Children:

Monna Terry, F. 12

Thomas " 9

Millie " M. 5

Claims for self and
children.

Stenographer

A. G. Harris

Choctaw MCR 4526

John Rodgers

MCR 4526

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. January 17, 1902.

TESTIMONY OF JANE JACKSON

In the matter of the application of John Rodgers et al., for
identification as Mississippi Choctaws, heard at Muskogee, I.T.,
January 17, 1902. M.C.R. 4526

In the matter of the application of John Barber et al., for
identification as Mississippi Choctaws, heard at Muskogee, I.T.,
January 17, 1902. M.C.R. 4523

Jane Jackson being called and sworn as a witness in these
cases testified as follows:

Examination by the Commission:

Q What is your name? A Jane Jackson.
Q What is your age? A Sixty eight years old.
Q What is your present residence? A Jefferson, Texas.
Q Are you an applicant for identification before this Commission as
as a Mississippi Choctaw? A Yes sir.
Q Do you know John Rodgers? A Yes sir.
Q Where does he live? A In Cass County, Texas.
Q How long have you known him? A Ever since he was a little chap.
Q Do you know anything about his having Choctaw blood? A I have heard
heard his mother say he had.
Q What is her name? A Margaret Rodgers.
Q How long have you known her? A Yes, ever since she was a slave.
Q Do you know his father? A No sir.
Q Was he a slave? A Yes sir; both was slaves.
Q All you knew about his having Choctaw blood is that his mother
Margaret Rodgers said she had Choctaw blood? A Yes and the father
too; I have talked to him many times.
Q Did she look like a Choctaw Indian? A Yes, in them days; she
wasn't as old as she is now.
Q Does she look like a negro now? A She looks it some.
Q Do you know anything about whether she lived in Mississippi at
any time or any of her people? A No sir, when I knew them they
was in Texas.

Q Do you know John Barber? A Yessir.
Q Is he an applicant? A Yessir.
Q Did you know John Barber's parents? A Yes sir. Joe Barber his
papa I knowed him well pretty long.
Q What did he tell you? A Nothing only what I have heard others
say.
Q How did he look? A Like he was a Choctaw.
Q Did he look as if he had negre blood? A Yes, he looked like he
might have had some; I knowed he was half from his looks.
Q Was he a slave before the war? A Yes sir.
Q Was Joe Barber's wife? A Yes sir.
Q Both slaves before the War? A Yes sir.
Q Did Joe Barber's wife claim Choctaw blood? A Yessir.
Q What was her name? A Elmira.
Q Did she claim to have Choctaw blood? A Yes sir. I heard them
say she claimed to have it.
Q Did she ever tell you she had it? A No sir, but her children
told me about it.
Q What do you know about Emma Barber, John Barber's wife, having
Choctaw blood? A Her mother told me she was half Choctaw.
Q Her mother told you so? A Yes, lots of times.
Q Did she look like a negre? A Not much; she looked something
like it; she has curly hair.
Q And thick lips? A No sir.
Q How about her nose? A She has a pretty thin nose.
Q Did she ever tell you how much Choctaw blood she had? A She
looks like she is Indian right smart; she favors an Indian right
a great deal.
Q Did you know Wilder Geeks or Maria? A No sir, I didn't know the
Q What was before your time? A Yes sir.
Q Is that all you know about John Barber and his wife having Choctaw
blood? A Yes sir.

(Witness excused)

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above proceedings on January 17, 1902, and that this is a full, true and correct transcript of his stenographic notes in said proceedings on said date.

Henry G. Hains

Subscribed and sworn to before me this 22 day of January 1902.

Marquithel Wood
Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I.T. January 17, 1902.

4526

In the matter of the application of John Rodgers for the identification of himself and his two minor children, Lenora and Essie Rodgers, as Mississippi Choctaws.

No attorney for applicant:

John Rodgers being first duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A John Rodgers; R-o-d-g-e-r-s.
Q What is your age? A Thirty years old the fifteenth of this coming June.
Q Well, you are twenty nine now, aren't you? A Yes sir.
Q What is your post office address? A Marietta, Texas.
Q How long have you lived at Marietta? A Well, in that County-- I was birth there.
Q What County is Marietta in? A Cass County.
Q And you have always lived in that County? A Yes sir.
Q Is your father living? A No sir.
Q Is your mother living? A Yes sir.
Q What is your father's name? A Paton Rodgers.
Q What is your mother's name? A Margaret Rodgers, is her name now; her first name was Margaret Cooks-- when she was a maid.
Q You claim through which parent-- your father or mother? A Well, both sides.
Q You claim through both? A Yes sir.
Q How much Choctaw blood do you claim? A Well, I can give the part that my father's father owned.
Q Well, you just give how much you claim now? A I claim about near a half.
Q Have your parents ever been recognized in any way or enrolled as members of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? (No answer).
Q They never lived in the Indian Territory, did they? A No sir; they never lived in the Indian Territory.
Q They never have been recognized or enrolled as Choctaw Indians, then, have they? A No sir; not as I know of.
Q When and where were your father and mother married? A Were married in Texas before the surrender under the tribute laws; I can tell you

the way they was married- by permission of the master.

Q They were slaves then before the War, were they? A Yes sir.

Q Slaves in Texas? A Well, just before the Surrender, they were; they were first in Virginia, my ma; my ma was born in Virginia and moved to Texas and a slave.

Q Was your father a slave anywhere else except in Texas? A Well, as far as I know he were in Georgia..

Q And then afterwards moved to Texas and was a slave there? A Yes sir.

Q Were they both owned by the same master? A No sir.

Q Did their respective masters give them permission to get married?

A Yes sir.

Q Did they live together as husband and wife afterwards? A Yes sir.

Q How much negro did your father have? A Well, he was half negro.

Q How much Choctaw did he have? A Well, he was half Choctaw.

Q How much negro did your mother have? A Well, my mother had scarcely little negro; about a quarter.

Q And how much Choctaw blood did she have? A She had a half.

Q Did she have a quarter white blood? A Yes sir.

Q And you claim your father had half Choctaw blood and your mother half Choctaw blood- so you claim you have a Half Choctaw blood? A Yes sir.

Q Are you married? A Yes sir.

Q Is your wife living? A Yes sir.

Q What is her blood? A Well, I really haven't any proof of her blood.

Q Is she negro? A Yes sir.

Q What is her name? A Ophelia Rodgers.

Q O-p-h-e-l-i-a? A Yes sir.

Q You make no claim for Ophelia, do you? A No sir.

Q Have you any children under twenty one years of age and unmarried for whom you wish to apply? A Yes, two.

Q What is the name of the oldest? A Lenora Rodgers.

Q How old is Lenora? A She is two years old; the 26th of last August.

Q What is the name of the next? A Essie.

Q How old is Essie? A She is one year old, the fourth of this year, January.

Q You claim for yourself and children, do you? A Yes sir.

Q Is Ophelia Rodgers the mother of these two children? A Yes sir.

Q And you are the father? A Yes sir.

Q When and where were you married to your wife? A I was married at Cass County- the County seat is Linden-- in 1898.

Q Were you married by a minister and under a license? A Yes sir. I have my marriage license I think.

Q Is this the original? A Yes sir.

Q Do you want to file this in your case? A Yes sir.

Original license and certificate of marriage between J.J.Rodgers and Ophelia Johnson presented by this applicant, marked Exhibit "A" filed and made a part of the record in this case.

Q Is this J.J.Rodgers whose name is so written in this marriage license intended to be your name? A Yes, that's known as John Rodger and J.J.Rodgers is the same in that County.

Q Have you any other documents you want to present now in support of your claim-- any other writings or affidavits of any kind? A Well there's some that was taken by--

Q Well, this is your own signature, isn't it? A Yes sir.

Q This is supposed to be your mother's signature authorizing you to act for her? A No sir; that's just some that Mr. Woods asked me and required me to get.

Q Well, you don't want to file that? A No sir.

Q Were you ever married before you married Ophelia? A No sir.

Q Was she ever married before she married you? A No sir.

Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.

Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.

Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the Act of Congress of June 10, 1896? A No sir.

Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.

Q Have you ever before this time sought to be enrolled as a member of the Choctaw tribe of Indians by making application either to the Choctaw tribal authorities or the authorities of the United States? A No sir.

Q Do you now come before the Commission for the purpose of being identified and for the identification of these two children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir.

Q Do you understand that article of that treaty? A No sir.

The treaty of 1830 is a treaty made between the United States Government and the Choctaw tribe of Indians at a place called Dancing Rabbit Creek in the State of Mississippi on the 27th day of September, 1830, and was made for the purpose of the removal of all the Choctaw Indians who lived in the Choctaw Nation in Mississippi and Alabama to the Choctaw Nation, Indian Territory. Before that treaty was signed it became known that a good many Choctaw Indians would refuse to go to the Choctaw Nation, Indian Territory, and in order to protect their interests article fourteen was put into the treaty. Article fourteen reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a part of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Did any of your ancestors comply with any of the provisions of that article fourteen as read and explained to you? Did any of your people do any of these things that are stated there in that article? A No sir.

Q You understand that now, don't you, enough to claim under it?
A Well, I reckon I does.
Q What is the name of your ancestor-- I mean by ancestor, your grandfather, great grandfather or--- A Well, I can go back to my grandfather and grandmother; my grandfather was Wilder Cooks and my grandmother she was married to Fil der Cooks; her name was Maria.
Q Did she have Choctaw blood? A They was each one half.
Q And they were your grandfather and grandmother? A Yes sir.
Q Were they your father's father and mother or your mother's father and mother? A They was on my mother's side.
Q You claim on your mother's side, then, do you? A Yes sir.
Q Did they live in Mississippi in 1830? A Well, my grandfather did; my mother was born in Ferginnia.
Q I am asking about your grandfather now; you mean your grandfather, Wilder Cooks? A Yes sir.
Q Did he live in Mississippi in 1830? A Yes sir.
Q Did he have a family there in 1830? A Not a family as I knows of.
Q Was he married in 1830 or before that? A Well, he was married I guess before.
Q Do you know when he was married? A No sir; that is, my mother doesn't know and I doesn't.
Q Well, was he a slave in Mississippi in 1830? A No sir; he never was a slave.
Q Was his wife a slave? A Yes sir.
Q In Mississippi? A No sir; she never was in Mississippi; she was in Ferginnia.
Q These are the parents of your mother? A Yes sir.
Q Do you know anything about the parents of your father? A Well, I don't know; he was taken away from his parents when he was small and he never remembered just who was his relations.
Q How do you know that Wilder Cooks and his wife, Maria, had Choctaw blood? A Well, that's from my mother have always told me that from childhood; she was taken away from them when they was quite small.
Q Your grandmother, Maria, never lived in Mississippi or Alabama, then? A Not that she knows of or I either.
Q Did Wilder Cooks or his wife, Maria, speak the Choctaw language? A Well, Wilder did.
Q How do you know? A That is-- my mother always told me so; I never seen him.
Q Did she, Maria, speak the Choctaw language? A Well, I rel-ly don't know sir.
Q When and where was Wilder Cooks born? A I don't know sir.
Q --or die? A A Well, there's a portion where I shoved you into---
Q Just answer my question; when and where did he die? A Well, I don't know.
Q Did any of your Choctaw ancestors own any improvements on land in Mississippi and Alabama in 1830? A No sir; not that I know of.
Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian agent, Col. Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States? A Well, no sir; not that I know of; my mother was brought away from there and she never known of what was done in that time.
Q Did any of your Choctaw ancestors go from the old Choctaw Nation to the Choctaw Nation, Indian Territory, with the other Indians between 1833 to 1840? A No sir; I don't know.
Q Did any of them own any land or claim any in Mississippi or Alabama as beneficiaries under article fourteen of the treaty of 1830? A No sir.

Q Did any of them claim or receive any benefits or land under any other article of the treaty of 1830 than article fourteen or under the supplement to that treaty? A No sir.

Q Did any of your Choctaw ancestors claim any rights as Choctaw Indians under any treaty made between the United States Government and the Choctaw Indians other than the treaty of 1830? A Not that I know of; no sir.

The Choctaw Indians who stayed in Mississippi after the treaty of 1830 was ratified were required, if they desired to take advantage of the fourteenth article of that treaty, to go to the United States Indian agent within six months from its ratification and tell him they wanted to stay in Mississippi, take land there and become citizens of the States. A good many Indians did this whose names Col. Ward failed to put upon his list, known as Ward's Register. His failure to make a complete record of the names of all claimants who came before him and made these declarations within the time limited in article fourteen caused a good many Indians who held land in Mississippi to have their land and the improvements they had upon it taken away and sold at Public Land Sale. This caused many complaints among those Indians so that in 1837 by Act of Congress of March 3, that year, a Commission was appointed which Commission went to the State of Mississippi and heard claimants under article fourteen of the treaty of Dancing Rabbit Creek. In 1842 Congress appointed another Commission under Act of August 23, that year, for the same purpose, and this Commission went to Mississippi and heard claimants under article fourteen of that treaty.

Q Did any of your Choctaw ancestors go before the Commission of 1837 or 1842 and claim benefits under that article of that treaty? A Not that I know of.

The Act of Congress approved August 23, 1842, provided that if any Choctaw Indian proved his claim under article fourteen of the treaty of Dancing Rabbit Creek, if it also appeared that he had previously had land in Mississippi which the Government had taken from him and sold that he should be entitled to select land either in Mississippi, Alabama, Arkansas or Louisiana to be taken from vacant Government land and that certificates to that effect should be given to him; these certificates were called scrip.

Q Did any of your ancestors receive any such scrip from the Government as Choctaw Indians? A No sir; not that I know.

Q Have any of your relatives been before the Commission before you?

A No sir; not that I know of.

Q You are the first of your kin? A Yes sir.

Reasonable time will be allowed this applicant in which to furnish other proper evidence in support of this application if furnished under the rules of the Commission.

Q Do you speak Choctaw? A No sir.

Q Is there anything further you want to say in support of this claim? A Yes, I have a mother and a brother, which has both disappeared, to come, my mother is now seventy years old, she is paralyzed like, was thrown out of a wagon, - and my brother---I want to know if the interrogatories in this place---

Q They will have to be represented by some relative who appears before the Commission with a Doctor's certificate of their permanent disability together with a power of attorney, authorizing them to make application for them.

-1-1-1- -1-1-1-

This applicant has the appearance and physical characteristics of being descended from African parentage; he has no knowledge of the Choctaw language and no knowledge of the compliance on the part of his ancestors with any of the provisions of the fourteenth article of the treaty of 1830.

Henry G. Haine being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on January 17, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Haine

Subscribed and sworn to before me this 21st day of January, 1902.

Cara Mitchell Wood
Notary Public.

J.W. &
C.W.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of John Rodgers, et al.,
for identification as Mississippi Choctaws, consolidating the appli-
cations of -

John Rodgers, et al.,	M.C.T. 4886
Margaret Rodgers, et al.,	" 4887
John Barber, et al.,	" 4888

---- D E C I S I O N ----

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by John Rodgers for himself, his two minor children, Lamera and Rosie Rodgers, his mother, Margaret Rodgers, and his brother, Nathan Rodgers (the last two being invalids); and by John Barber for himself, his wife, Emma Barber, and his six minor children, Ora, Eugene, Reuben, Arthur, Annie May, and Regina Barber, under the following provision of the act of Congress approved June 22, 1898 (30 Stat., 498):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that the applicant Margaret Rodgers claims rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being a descendant of Wilder Cocks and Maria Cocks, both of whom are alleged to have been half blood Choctaws and to have resided in Mississippi in eighteen hundred and thirty; that the applicants, John Rodgers, Lemora Rodgers, Essie Rodgers, Nathan Rodgers and Emma Barber claim said rights by reason of being descendants of the aforesaid Wilder and Maria Cocks and of Peter Rodgers, the latter of whom is alleged to have been a half blood Choctaw Indian; that the applicant, John Barber, claims said rights by reason of being a descendant of Crawford Barber and Joe Mayfield, both of whom are alleged to have been Choctaw Indians, the degree of blood of the former not positively stated and that of the latter being given as one-half; that the minor children of the applicants, John Barber and Emma Barber, claim said rights by reason of being descendants of all the ancestors heretofore mentioned.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1906 (34 Stat., 181).

--3--

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Wilder Cocks, or Maria Cocks, or Faten Rodgers, or Crawford Barber, or Joe Mayfield, or ancestors less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Chectaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 190) and August 23, 1842 (5 Stats., 515).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John Rodgers, Lemora Rodgers, Basie Rodgers, Margaret Rodgers, Nathan Rodgers, John Barber, Emma Barber, Ora Barber, Eugene Barber, Roscoe Barber, Arthur Barber, Annie May Barber, and Regina Barber, as Chectaw Indians entitled to rights in the Chectaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty and that the applications for their identification as such should be

returned and it is so ordered.

CONCURRED TO THE FIVE CIVILIZED TRIBES.

James Finby.

Acting Chairman.

T. E. Harkin.

Commissioner.

J. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory.

OCT 28 1902

COPY.

M.C.R.4526

Muskogee, Indian Territory, October 26, 1902.

John Rodgers,

Warietta, Texas.

Dear Sir:-

You are hereby advised that on the 26th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John Rodgers, et al., embracing the following applications for identification as Mississippi Choctaws:

John Rodgers, et al., M.C.R.4526;
Margaret Rodgers, et al., M.C.R.4561;
John Barber, et al., M.C.R.4528.

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John Rodgers, Lenora Rodgers, Essie Rodgers, Margaret Rodgers, Nathan Rodgers, John Barber, Emma Barber, Ora Barber, Eugene Barber, Roscoe Barber, Arthur Barber, Annie May Barber, and

J. R., 2.

Regina Barber, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty and that the applications for their identification as such should be refused and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(Signed)

Commissioner in Charge.

Register.

M.C.R.4526.

Muskogee, Indian Territory, October 28, 1902.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 28th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John Rodgers, et al., embracing the following applications for identification as Mississippi Choctaws:

John Rodgers, et al., M.C.R.4526;
Margaret Rodgers, et al., M.C.R.4561;
John Barber, et al., M.C.R.4528.

These applications were made under the provision of the act of Congress of June 23, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John Rodgers, Lenora Rodgers, Essie Rodgers, Margaret Rodgers, Nathan Rodgers, John Barber, Emma Barber, Ora Barber, Eugene Barber, Roscoe Barber, Arthur Barber, Annie May Barber, and Regina Barber, as Choctaw Indians entitled to rights in the

W., N.W., & C., 2.

Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

C. R. Brinkridge
Commissioner in Charge.

COPY.

Muskogee, Indian Territory, November 13, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of John Rodgers, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 28, 1903.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

John Rodgers, et al.,	M.C.R. 4586.
Margaret Rodgers, et al.,	M.C.R. 4561.
John Barber, et al.,	M.C.R. 4528.

The Commission has the honor to report that the principal applicants in the several separate applications and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,
(SIGNED)

Wm. L. By.

Through the
Commissioner of Indian Affairs.
Enc. M.C.R. 4528.

Acting Chairman.

(COPY)

Land.
68,329-1902.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, February 4, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to submit, herewith, for your consideration, the record of the Commission to the Five Civilized Tribes in the matter of the consolidated application for identification as Mississippi Choctaws of the following parties: John Rodgers for himself, his two minor children, Lenora and Essie Rodgers, his mother, Margaret Rodgers, and his brother Nathan Rodgers; John Barber for himself, his wife, Emma Barber, and his six minor children, Ora, Eugene, Roscoe, Arthur, Annie May and Regina Barber, wherein a decision adverse to the applicants was rendered by the commission on October 28, 1902.

It appears from the testimony in this case that the applicant Margaret Rodgers claims rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being a descendant of Wilder Cooks and Maria Cooks, both of whom are alleged to have been half blood Choctaws and to have resided in Mississippi in 1830; that the applicants, John Rodgers, Lenora Rodgers, Essie Rodgers

Nathan Rodgers and Emma Barber claim said rights by reason of being descendants of Wilder and Mariah Cooks and of Paton Rodgers, the latter of whom is alleged to have been a half blood Choctaw Indian; that the applicant, John Barber, claims said rights by reason of being a descendant of Crawford Barber and Joe Mayfield, both of whom are alleged to have been Choctaw Indians, and that the minor children of the applicants, John Barber and Emma Barber, claim said rights by reason of being descendants of all the ancestors heretofore mentioned.

The commission rejected the applicants because the names of the ancestors through whom they claim do not appear among the names of those persons who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and for the additional reason that the applicants themselves did not comply or attempt to comply with the provisions of the 14th article of said treaty.

An examination of the records of this office has been made and it is found that the names of Wilder Cooks, Maria Cooks, Paton Rodgers, Crawford Barber, and Joe Mayfield do not appear among the names of those persons who complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of 1830.

This being true it is believed that the decision of the commission rejecting these applicants was correct, and it is recommended that it be affirmed.

Very respectfully,

(B.B.H.) P.

A. C. Tenner,
Acting Commissioner.

(COPY)

D.C.No.5267-1903.

DEPARTMENT OF THE INTERIOR.

EAF.

ITD.1262-1903.

WASHINGTON.

February 19, 1903.

L R S

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

November 13, 1902, you transmitted the consolidated case involving the applications for identification as Mississippi Choctaws, of John Rodgers, his minor children, Lenora and Essie Rodgers, his mother Margaret Rodgers, and his brother Nathan Rodgers; and of John Barber, his wife Emma Barber, and his minor children, Ora, Eugene, Roscoe, Arthur, Annie May and Regina Barber. By decision of October 28, 1902, you refused the applications.

The applicants claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of Wilder Cooks and Maria Cooks, both of whom are alleged to have been half blood Choctaws residing in Mississippi in 1830, or of Paton Rodgers who is alleged to have been a half blood Choctaw, or of Crawford Barber who is said to have been a Choctaw Indian, or of Joe Mayfield who is alleged to have been a half blood Choctaw Indian.

-2-

The records fail to show that the applicants were ever admitted or enrolled as citizens of the Choctaw Nation, or that any one of their alleged ancestors complied or attempted to comply with said article 14, or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513).

Reporting February 4, 1903, the Acting Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

The Department has reviewed the record in the case and hereby affirms your decision.

Respectfully,

(Signed)

Thos. Ryan,

Acting Secretary.

1 inclosure.

M.C.R. 4526

COPY.

Muskogee, Indian Territory, March 5, 1903.

John Rodgers,
Marietta, Texas.

Dear Sir:

You are hereby notified that on the 19th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John Rodgers, et al., of which decision you were advised by registered mail on the 28th day of October, 1902.

Respectfully,

SIGNED

Tamie Pixby.
Chairman.

M.C.R. 4526

Muskogee, Indian Territory, March 5, 1903.

Mansfield, McMurray & Gernish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 19th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John Rodgers, et al., of which decision you were advised by mail on the 28th day of October, 1902.

Respectfully,

Tamm L. Ing
Chairman.

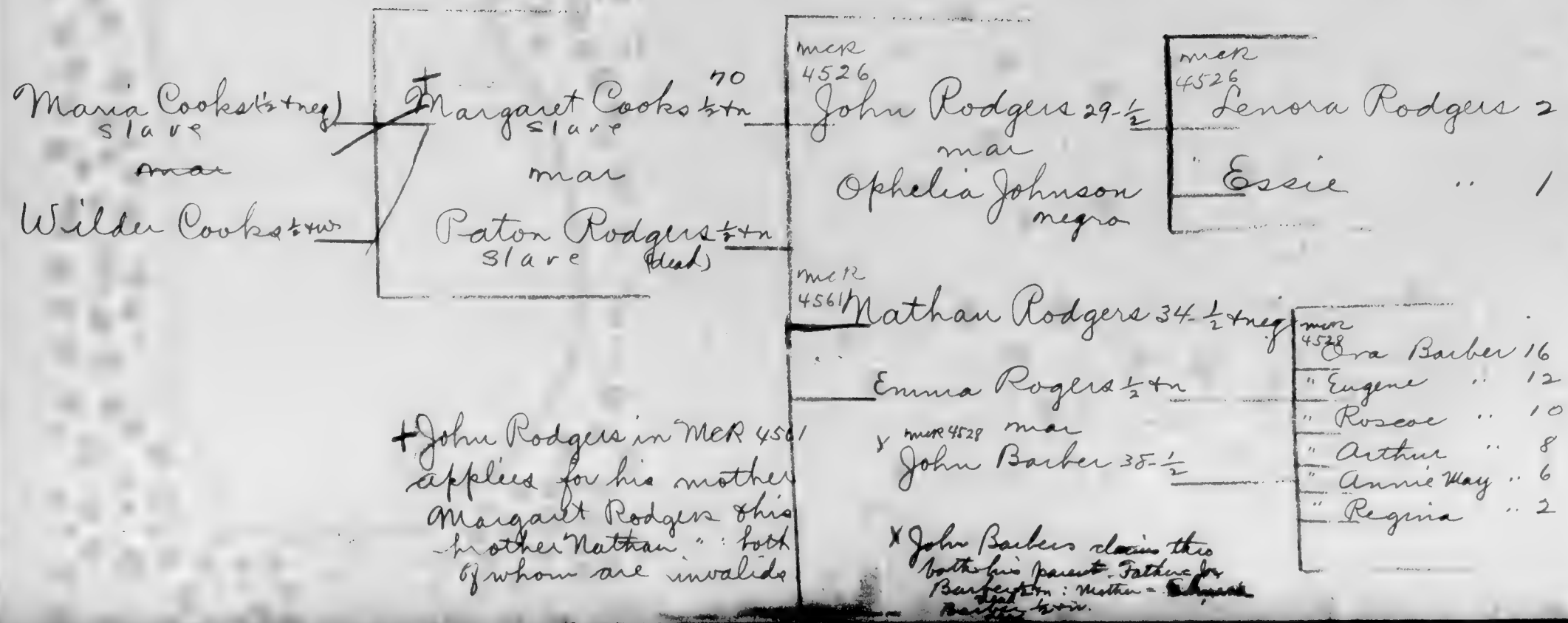
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REMARKS
Consolidated Case,

DAWES
ROLL NO.

of
John Rodgers et al

4526



No 4526

For Identification as a Mississippi Choctaw.

Date

JAN 17 1907

Name John Rodgers

Age

29

Blood

1/2

Post Office, Marietta, Texas

Father: Paton Rodgers ^{slave d}

Mother: Margaret " ^{slave L}

Claims through both parents,
wife.

Ophelia Rodgers, l. negro.

No claim for wife. —

Children;

Lenora Rodgers, 2

Essie

"

1

Claims for self and
2 children —

Stenographer H. G. Haines.

John Rodgers et al

REFUSED.

DECISION NUMBER 117 00 1000

R. 4522 2

2

RECEIVED DEPARTMENT

NOV 1

SECRETARY

FEB. 19 1900

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

MAR 1 1900

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.
AND DEPARTMENTAL ACTION.

REFUSED

4561, 4528,

Choctaw MCR 4527

Neal Bruce

MCR 4527

Department of the Interior.
Commission to the five civilized tribes.
Muskogee, I.T. January 17, 1902.

TESTIMONY OF JANE JACKSON

In the matter of the application of Neal Bruce et al., for
identification as Mississippi Choctaw heard at Muskogee, I.T.
January 17, 1902.

Jane Jackson being called and sworn as a witness in this case
testified as follows:

Examination by the Commission:

Q What is your name? A Jane Jackson.
Q What is your age? A Fifty eight years old.
Q What is your present residence? A Muskogee, Texas.
Q Are you acquainted for identification before this Commission
as a Choctaw? A Yes sir.
Q Is your husband dead? A Yes sir.
Q He is a Choctaw, is he? A Yes sir.
Q What do you know about his having Choctaw blood? A Well, from
what I have heard his mother and father say so and their looks says
so.
Q Are they living? A Yes sir.
Q Where? A Miller County, Texas.
Q What did either of them tell you about either of them having
Choctaw blood? A They told me many times that their father
was Choctaw.
Q Well, did his father tell you that his father was Choctaw?
Q Yes, I don't want to talk to me about being Choctaw how come we
to know that.
Q Is all you know about this applicant's having Choctaw blood what
his father and mother told you? A Yes sir.
Q You don't know them in Mississippi, do you? A No sir.
Q Did they ever live in Mississippi? A I don't know sir.
Q You surely know them in Texas? A Yes sir.
Q Do you know how much Choctaw blood Neal Bruce's mother had? A
Well, she never told me as I can recollect, but from the looks of
her he was told.

MGR 4527

Q Did Neal Bruce's father tell you? A No sir.
Q How did he look? A They didn't neither of them look like negroes.
Q Did either of them look like they had white blood? A Well, they may have some white blood, but they never did tell me.
Q Were either or both of them slaves before the War? A Yes; they were young-- one of them was married.
Q Is that all you know about Neal Bruce's Chestaw blood? A Yes sir

(Witness excused.)

Henry S. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above proceedings on January 17, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said proceedings on said date.

Henry S. Hains

Subscribed and sworn to before me this 22 day of January 1902.

Clarence Hallwood
Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. January 17, 1902.

4527

In the matter of the application of Neal Bruce for the identification of himself and his minor child, Eva May Bruce, as Mississippi Choctaws.

No attorney for applicant:

Neal Bruce being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Neal Bruce.
Q What is your age? A Twenty nine.
Q What is your post office address? A Marietta, Texas.
Q How long have you lived at Marietta? A I was raised in the County.
Q Always lived in that County? A Yes sir.
Q What County? A Cass County.
Q Is your father living? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is your father's name? A Glen Bruce. (G-l-e-n).
Q What is your mother's name? A Maria Bruce.
Q Through which parent do you claim Choctaw blood? A From both sides, mother and father.
Q How much Choctaw blood do you claim? A I claim three fourths; It is over a half but I don't know what you would call it; three quarters is near as I can get at it; both my parents was three quarters the way I understand it; that's what they told me.
Q What is your father's blood besides Indian- that other quarter?
A Negro.
Q Was he a slave before the War? A Yes sir.
Q Do you claim your mother has three quarters Choctaw blood? A Yes sir.
Q What is the other blood? A Negro.
Q Was she a slave before the War? A Yes sir.
Q Were they slaves in Texas? A They were slaves in Georgia and Texas. Yes, my mother was born in Virginia and from Virginia went to Georgia and from Georgia to Texas; married in Texas.
Q Were they married before the War? A No sir; after.
Q Were they married by license? A Well, they just get papers from the master.

Q Well, you said they were married after the War. A Well, it was about the time it broke up. They were still slaves when they married.
Q Did your father ever live in Mississippi? Or your mother?
A Not that I know of.
Q Are you married? A Yes sir.
Q What is your wife's name? A Lizzie B. Bruce; I have the marriage license.
Q Is she living? A Yes sir.
Q Is she a negro? A Yes sir.
Q Do you make any claim for her? A No sir.
Q Have you any children you want to make application for? A I haven't but one.
Q What is the name of? A Eva May Bruce.
Q How old is she? A She's about two months old.
Q When and where were you married to Lizzie B. Bruce? A In Cass County, 24th June, 1901.
Q Is this the marriage license and certificate you have presented?
A Yes sir.
Q Do you want to file this and make it part of your case? A Yes sir.

Original marriage license and certificate of marriage between M.C. Bruce-- is that you A Yes sir--- and Lizzie B. Turner offered by applicant, received, marked Exhibit "A" filed and made a part of the record in this case.

Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory?
A No sir.
Q Have you ever made application for enrollment as a citizen of the Choctaw Nation to the Commission to the Five Civilized Tribes under the Act of Congress of June 10, 1896? A No sir.
Q Have you ever prior to this time made application for enrollment or citizenship in the Choctaw Nation by making application either to the Choctaw tribal authorities or the authorities of the United States? A No sir.
Q Do you now come before the Commission to identify yourself and this child as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir.
Q Do you understand that article of that treaty? A Well, no sir, not thoroughly.
Q Do you understand what is meant by a treaty? A No sir; not thoroughly.
Q You understand what an agreement or contract in writing is?
A Yes sir.
Q A treaty is a contract or compact in writing made between two or more Nations instead of being made between people. A Yes, now I understand it.

Such a treaty as that was made between the United States Government and the Choctaw Indians who, in the year 1830 lived in Mississippi or Alabama in the old Choctaw Nation; this treaty was signed on the 27th day of September 1830 and its object was the removal of all the Choctaw Indians who lived in Mississippi and Alabama.

from the old Choctaw Nation to the Choctaw Nation, Indian Territory. Before it was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation, Indian Territory and in order to protect their interests article fourteen was put into the treaty; that article is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q You understand that, do you, all right now? A Yes, that is the agreement in Mississippi? Yes, I understand it.

Q Do you know if any of your ancestors complied with any of the provisions of that article? A No sir.

Q What is the name of your ancestor who lived in Mississippi in 1830? A They say Jim Roach.

Q What relation was he to you? A My grandfather.

Q Was he your father's father? A No sir, my mother's father.

Q Do you know anything about your father's father? And his mother?

A Well, I have never seen any of them but my father.

Q Do you know anything about them? A I know what my father said about-- he said his mother was half Indian and his father three quarters.

Q What were their names? A His mother was named Patsey and his father Henry Bruce; my mother's father's name was Jim Roach and her mother was Margaret Roach.

Q Did any of these ancestors of yours live in Mississippi or Alabama in 1830? A They said my grandfather, Jim Roach did.

Q Was he the only one that did? A Well, I don't know that; only what they say; they said that he lived there.

Q When? A I don't know.

Q I asked you about the year 1830. A Well, I don't know when it was when they said it was.

Q Did you ever hear that Jim Roach had a family in Mississippi?

A No sir.

Q Did you ever hear that he had any children living with him there in 1830? A No sir.

Q Do you know when or where he was born? A In Mississippi, they said.

Q Do you know what date? A No sir.

Q Do you know when or where he died? A They said it was in Virginia.

Q Remember the date? A No sir.

Q How old would he be if living now? A Well, I just don't know.

Q How old would his wife be if she was living now? A She would be seventy.

Q Do you know how old your father's father would be if he were living

now? A No sir.
Q Or his mother? A No sir.
Q Never heard they lived in Mississippi? A No sir.
Q Now, was Jim Roach a slave before the War? A Yes sir.
Q Was his wife? A Yes sir.
Q Jim Roach was your mother's father? A Yes sir.
Q Were your father's parents slaves before the war? A Yes sir.
Q Did any of your ancestors own any improvements on land in Mississippi or Alabama in 1830? A Not that I know of.
Q Did any of them within six months from the ratification of the treaty of 1830 go to the United States Indian agent whose name was Col. Ward and tell him they wanted to stay in Mississippi and take land there? A Not that I know of.
Q Did any of your Choctaw ancestors go from the old Choctaw Nation to the Choctaw Nation, Indian Territory, with the other Indians between 1833 to 1838? A Not that I know of.
Q Did any of your Choctaw ancestors own or claim any land or any benefits under article fourteen of the treaty of 1830 there in Mississippi or Alabama? A Not that I know of.
Q Did they claim or own any benefits or land there under any other article of the treaty of 1830 than article fourteen or under the supplement to that treaty? A Not that I know of.
Q Did any of your ancestors, if Choctaw Indians, claim any rights or benefits under any treaty made between the United States Government and the Choctaw Indians other than the treaty of 1830? A Not that I know of.

The Indians who remained in Mississippi after the treaty of 1830 was ratified in order to take advantage of the provisions of article fourteen of that treaty were obliged to go to the United States Indian agent within six months and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States. A great many Indians did this whose names Col. Ward, the Indian agent, neglected to place upon his list known as Ward's Register; his neglect in this respect caused a good many Indians who held land in Mississippi or Alabama to lose both the land and improvement thereon; both were taken from them by the Government and sold at Public Land Sale; this caused a great many complaints among the Choctaw Indians, and, as a result of the complaints made, in 1837 Congress appointed a Commission which went to Mississippi and he heard claims under the fourteenth article of the treaty of 1830. In 1842 another Commission was appointed by Congress under Act of August 23, 1842 for the same purpose, and this Commission went to Mississippi and heard claims under the fourteenth article.

Q Did any of your Choctaw ancestors go before either of these two Commissions and claim benefits under article fourteen of that treaty?
A Not that I know of.

The Act of Congress approved August 23, 1842, provided that if any Choctaw Indian proved his claim under article fourteen of the treaty of Dancing Rabbit Creek, if it also appeared that he had had land in Mississippi which the Government had taken from him and sold that he should be entitled to select land in Mississippi, Alabama, Arkansas or Louisiana, to be taken from vacant Government

land and that certificates to that effect should be issued to him; these certificates were called scrip.

Q Did any of your ancestors receive any such scrip from the Government as Choctaw Indians? A Not that I know of.

Q Can you speak the Choctaw language? A No sir.

Q Have you any documents or any other proper evidence or testimony that you want to present now to the Commission? Any papers? A No, sir.

Q Do you want time in which to introduce proper evidence or proof in this case? A Yes sir.

Reasonable time will be allowed this applicant in which to introduce further evidence if done in conformity with the rules of the Commission.

Q Have you any relatives who have appeared here for identification as Mississippi Choctaws? A No sir.

Q Is John Rodgers any relation to you? A Yes sir; he is my uncle.

Q He is the only relative you have thus far who has appeared?

A Yes, that's all.

Q Do you want to have his testimony and yours considered together?

A Yes sir.

Q Is there anything more you want to say in this case? A Of course I was advised to come up here and put in this case; I have given about all the proof I can; I would love to know right soon whether I am entitled to a case, if that don't bring it, I don't want it.

This applicant has the appearance of one descended from mixed ancestry of negro and either white or Indian blood:-

Q You don't claim any white blood, do you? A Yes sir.

-- claims to be three quarters Choctaw Indian; his appearance is that of one in whom the negro blood predominates-- hair is black and curly, has black eyes, dark skin, but not so dark as a full-blood negro and shows an admixture of some other blood; the Commission is unable to determine whether it is white or Indian- he says it is Indian blood. It does not appear to the Commission that he has the amount of Indian blood he claims, and, yet, there is nothing in his appearance to indicate that he does not have some Indian blood. His parents and other ancestors were slaves before the War.

Q Do you speak or understand the Choctaw language? A No sir.

He does not understand the Choctaw language and has no knowledge of the compliance on the part of his ancestors with any of the provisions of the fourteenth article of the treaty of 1830. While his hair is black and curly, his mustache is light brown---

(Note: Applicant here says that he don't know about his parents, but maybe they have a part white blood).

-:-:-:-

Henry G. Hains being duly sworn on his oath states that as sten-

-6-

grapher to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on January 17, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 21st day of January, 1902.

Clara Mitchell Wood
Notary Public.

9a.L.
Cov.
COPY,

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Neal Bruce, et al.,
for identification as Mississippi Choctaws, M. C. R. 4527.

---- D E C I S I O N ----

It appears from the record herein that application for
identification as Mississippi Choctaws was made to this Commission
by Neal Bruce for himself and his minor child, Eva May Bruce, under
the following provision of the act of Congress approved June 28,
1898 (30 Stats., 495):

"Said Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw
lands under article fourteen of the treaty between the United
States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, and to that end may ad-
minister oaths, examine witnesses and perform all other acts
necessary thereto and make report to the Secretary of the In-
terior."

It also appears that both of said applicants claim rights
in the Choctaw lands under article fourteen of the treaty between the
United States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, by reason of being descendants
of Henry Bruce and Patsey, the former alleged to have been an one-
half blood Choctaw Indian and the latter a three-quarter blood Choctaw
Indian, and Maria Bruce (nee Roach), who is alleged to have been
a three-quarter blood Choctaw Indian.

It further appears that the principal applicant gives the names of his maternal grandparents as Jim Roach and Margaret Roach, but he does not state that they were Choctaws. However, they will be considered as such in order that every possible right as Mississippi Choctaws that these applicants may possess will be fully adjudicated.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission that neither of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It is found that the name Patsey appears in Volume I, on page 663, of Claimant's Brief and Evidence, in the case of the Choctaw Nation vs. United States, before the Court of Claims, Number 12,742, as a child under ten years of age of Ba-na-tubbee, the claimant in a list of cases examined and reported by the Board of Commissioners and rejection confirmed by the Secretary of War. But it does not appear from the evidence submitted by the several applicants herein that the Patsey, through whom these applicants claim, is the identical person whose name appears in the record above cited.

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Patsey, through whom these applicants

--3--

claim, or Jim Roach or Margaret Roach, or Henry Bruce, or Maria Bruce (nee Roach), or paternal ancestors less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 120) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Neal Bruce and Eva May Bruce, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGN) James Bixby.
Acting Chairman.

(SIGN) T. B. Neel.
Commissioner.

(SIGN) C. R. Breckinridge.
Commissioner.

Muskogee, Indian Territory,

DEC 17 1902

Muskogee, Indian Territory, December 17, 1908.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 17th day of December, 1908, the Commission to the Five Civilized Tribes rendered a decision in the case of Neal Bruce, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 485),

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Neal Bruce and Eva May Bruce as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tamm Piche
Acting Chairman.

Muskogee, Indian Territory, December 17, 1902.

Neal Bruce,

Marietta, Texas.

Dear Sir:

You are hereby advised that on the 17th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Neal Bruce, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Neal Bruce and Eva May Bruce as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the

-1- 2 -1-

case together with such arguments will be forwarded to the Secretary
of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tamie Birby.

Acting Chairman.

Registered.

COPY.

Muskogee, Indian Territory, January 2, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Neal Bruce, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of December 17, 1902.

The Commission has the honor to report that the principal applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED BY)

James Bixby.

Acting Chairman.

Through the

Commissioner of Indian Affairs.

Enc. M:G.R. 4527

Land.
855-1903.

C O P Y.
Department of the Interior,
Office of Indian Affairs,

Washington, February 27, 1903.

The Honorable,

The Secretary of the Interior.

Sir:-

There is transmitted, herewith, for your consideration, the record of the Commission to the Five Civilized Tribes, in the matter of the application of Neal Bruce, for himself and his minor child, Eva May Bruce, for identification as Mississippi Choctaws, claiming rights as such under the 14th article of the Choctaw treaty of 1830.

The testimony in this case shows that the applicants base their claim to identification under this application, on their descent from Henry and Patsy Bruce, and Jim and Margaret Reach, who it is alleged were Choctaw Indians and residents of the Choctaw Nation in Mississippi at the time of the making of the Choctaw treaty of 1830, through Glen and Maria Bruce.

The Commission rejected the applicants December 17, 1902, because the applicants had never been enrolled as citizens of the Choctaw Nation, and that none of their ancestors names appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the treaty of 1830, but the name of Patsy which "appears" in volume 1, on page 663, of claimant's brief and evidence in the case of the Choctaw Nation vs. the United States before the Court of Claims No. 12,742, as a child under 10 years of age of Ba-na-tubbe, a claimant in a list of cases examin-

ed and reported by the Board of Commissioners and rejection confirmed by the Secretary of War, but it does not appear from the evidence submitted by the several applicants that the Patsy through whom these applicants claim is the identical person whose name appears in the record above cited."

An examination of the records of this office has been made with reference to the names of Jim and Margaret, and Henry and Patsy Bruce, and it is discovered that their names do not appear among those who complied or attempted to comply with the provisions of the 14th article of the treaty of 1830; neither does it appear that they applied to the commissions appointed to adjudicate the claims of those having rights as Choctaw Indians, if they had such rights.

From the evidence in this case the applicants claim under Patsy, wife of Henry Bruce, so that the name would appear "Patsy Bruce" instead of "Patsy", but as the "Patsy" who appears in volume one of claimant's brief and the evidence was rejected and confirmed by the Secretary of War, it is evident that the decision of the Commission rejecting the parties hereto is correct, and I concur in that finding and recommend its approval.

Very respectfully,

A.C. Tonner,
Acting Commissioner.

C.T.C. (M)

D.C. 13343
I.T.D. 2312-1903.
L.R.S

C O P Y.

J.W.H.
FHE.

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

May 4, 1903.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

January 2, 1903, you transmitted the record in the case involving the applications for identification as Mississippi Choctaws of Neal Bruce (M.C.R. 4527) for himself and his minor child, Eva May Bruce, including your decision of December 17, 1902, refusing to identify them as such.

It seems that the principal applicant obtained his Choctaw blood from both parents. His father, Glen Bruce, who was a three-fourths blood Choctaw, was the son of Henry and Patsey Bruce, both of whom were possessed of Choctaw blood. The mother of the principal applicant was one Maria Bruce, who was also a three-fourths blood Choctaw. Her parents were Jim and Margaret Roach. The record does not show whether one or both of them were Indians.

The testimony as furnished by the record fails to show that these applicants, or any of their alleged ancestors, ever complied or attempted to comply, in person or by proxy, with the provisions of article 14 of the treaty of September 27, 1830, or with the subsequent acts of Congress relating thereto.

It further appears that the records of the government in your possession, as well as those at the Indian Office fail to show that any person whatever, bearing the name of any of the alleged ancestors ever complied or attempted to comply with said article or acts.

-2-

Reporting in the latter February 27, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department finds no reason to disturb your decision, and it is hereby affirmed.

Respectfully,

THOS. Ryan,
Acting Secretary.

1 inclosure.

COPY

M.C.R. 4527

Muskogee, Indian Territory, May 18, 1903.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 4th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Neal Bruce, et al., of which decision you were advised by mail on the 17th day of December, 1902.

Respectfully,

Yarns Bixby
Chairman.

COPY

M.O.R. 4527

Muskogee, Indian Territory, May 18, 1903.

Neal Bruce,

Marietta, Texas.

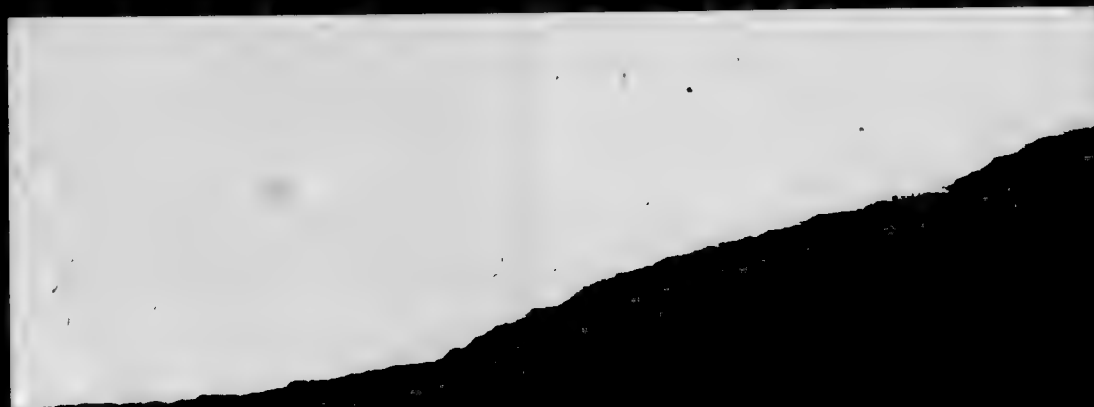
Dear Sir:

You are hereby notified that on the 4th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Neal Bruce, et al., of which decision you were advised by registered mail on the 17th day of December, 1902.

Respectfully,

(SIGNED)

James Birby.
Chairman.



Neal Bruce et al

M.C. R 4527

Jim Roach wife Margaret Roach	Maria Roach slave man	mer 4527 * Neal Bruce 29% man Lizzie B. Turner negro	mer 4527 Ewa May Bruce 2 m
Henry Bruce & wife Patsy Bruce's	Glen Bruce slave		

* Applicant testified that John Rodgers
was his uncle.

No. 4527

For Identification as a Mississippi Choctaw.

Date JAN 1:

Name Keal Bruce

Age 29 — Blood $\frac{3}{4}$

Post Office, Marietta, Texas.

Father: Glen Bruce. l.

Mother: Maria " . l.

Claims through both parents,
wife. Lizzie B. Bruce. l. neg.
No claim for wife

Children:

Eva May Bruce, 2m.

Claims for self &
one child.

Stenographer H. G. Harris.

Choctaw MCR 4528

John Barber

See MCR 4526

MCR 4528

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskegee, I.T. January 17, 1902.

TESTIMONY OF JANE JACKSON

In the matter of the application of John Rodgers et al., for
identification as Mississippi Choctaws, heard at Muskegee, I.T.,
January 17, 1902. M.C.R. 4526

In the matter of the application of John Barber et al., for
identification as Mississippi Choctaws, heard at Muskegee, I.T.,
January 17, 1902. M.C.R. 4528

Jane Jackson being called and sworn as a witness in these
cases testified as follows:

Examination by the Commission:

Q What is your name? A Jane Jackson.
Q What is your age? A Sixty eight years old.
Q What is your present residence? A Jefferson, Texas.
Q Are you an applicant for identification before this Commission as
as a Mississippi Choctaw? A Yes sir.
Q Do you know John Rodgers? A Yes sir.
Q Where does he live? A In Cass County, Texas.
Q How long have you known him? A Ever since he was a little chap.
Q Do you know anything about his having Choctaw blood? A I have heard
heard his mother say he had.
Q What is her name? A Margaret Rodgers.
Q How long have you known her? A Yes, ever since she was a slave.
Q Do you know his father? A No sir.
Q Was he a slave? A Yes sir; both was slaves.
Q All you know about his having Choctaw blood is that his mother
Margaret Rodgers said she had Choctaw blood? A Yes and the father
too; I have talked to him many times.
Q Did she look like a Choctaw Indian? A Yes, in them days; she
wasn't as old as she is now.
Q Does she look like a negro now? A I have it some.
Q Do you know anything about whether she lived in Mississippi at
any time or any of her people? A No sir, when I knew them they
were in Texas.

Q Do you know John Barber? A Yessir.
Q Is he an applicant? A Yessir.
Q Did you know John Barber's parents? A Yes sir. Joe Barber his
papa I knowed him well pretty long.
Q What did he tell you? A Nothing only what I have heard others
say.
Q How did he look? A Like he was a Choctaw.
Q Did he look as if he had negre blood? A Yes, he looked like he
might have had some; I knowed he was half from his looks.
Q Was he a slave before the war? A Yes sir.
Q Was Joe Barber's wife? A Yes sir.
Q Both slaves before the War? A Yes sir.
Q Did Joe Barber's wife claim Choctaw blood? A Yessir.
Q What was her name? A Elmira.
Q Did she claim to have Choctaw blood? A Yes sir. I heard them
say she claimed to have it.
Q Did she ever tell you she had it? A No sir, but her children
told me about it.
Q What do you know about Emma Barber, John Barber's wife, having
Choctaw blood? A Her mother told me she was half Choctaw.
Q Her mother told you so? A Yes, lots of times.
Q Did she look like a negre? A Not much; she looked something
like it; she has curly hair.
Q And thick lips? A No sir.
Q How about her nose? A She has a pretty thin nose.
Q Did she ever tell you how much Choctaw blood she had? A She
looks like she is Indian right smart; she favors an Indian right
a great deal.
Q Did you know Wilder Geeks or Maria? A No sir, I didn't know the
Q What was before your time? A Yes sir.
Q Is that all you know about John Barber and his wife having Choctaw
blood? A Yes sir.

(Witness excused)

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above proceedings on January 17, 1902, and that this is a full, true and correct transcript of his stenographic notes in said proceedings on said date.

Henry G. Hains

Subscribed and sworn to before me this 22 day of January 1902.

W. A. Mitchell Wood
Notary Public.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. JANUARY 17, 1902.

4528

In the matter of the application of John Barber for the identification of himself, his wife, Emma Barber, and his minor children, Ora, Eugene, Roscoe, Arthur, Annie May and Regina Barber, as Mississippi Choctaws.

Applicant not represented by attorney:

John Barber being first duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A John Barber.
Q What is your age? A Thirty eight.
Q What is your post office address? A Marietta, Texas.
Q How long have you lived at Marietta, Texas? A I have lived there about all my life pretty well.
Q Have you always lived in Cass County? A Yes sir.
Q Is your father living? A No sir.
Q Is your mother living? A No sir.
Q What is your father's name? A Joe Barber.
Q What was your mother's name? A Elmira Barber.
Q Through which do you claim your Choctaw blood, your father or mother? A Claim it from them both.
Q How much Choctaw blood do you claim? A A half I claim.
Q Have your parents ever been recognized in any way or enrolled as members of the Choctaw tribe of Indians in by the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A Well, not that I know of.
Q What was Joe Barber's blood? A He was half Indian and half negro.
Q What was his Indian blood? A Choctaw; my mother and them told me.
Q Was he a slave before the War? A Yes sir.
Q What is your mother's blood? A She was Choctaw.
Q Did she have any negro blood? A Yes, a half.
Q Half Choctaw and half negro? A Yes, that's what she always told me in her life time.
Q Are you married? A Yes sir.
Q What is your wife's name? A Emma Barber.
Q Is she living? A Yes sir.
Q Is she negro? A Well, she has- is half Indian.
Q What blood? A Choctaw.
Q And half negro? A Yes sir.

Q Do you make any claim for her? A Well, no more than just what I can tell about her; she isn't here.

Q Do you want to make any claim for enrollment for her? A Yes, I do.

Q What is her father's name? A Paton Rodgers.

Q What is her mother's name? A Margaret Rodgers.

Q Is Paton Rodgers living? A No sir.

Q Is Margaret Rodgers? A Yes sir.

Q Through which parent did your wife claim her Choctaw blood? A She claimed it from both father and mother.

Q How much Choctaw blood did her father, Paton Rodgers, have? A Well claimed to have half- was my understanding-- I have heard my mother-in-law say.

Q And half negro? A Yes sir.

Q And Margaret Paton had how much? A She was half Choctaw and half negro.

Q How much Choctaw blood do you claim for your wife? A A half., she claims.

Q Have your wife's parents ever been recognized in any way or enrolled as members of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States? In the Indian Territory? A Not that I knew of.

Q Were your father and mother married before the War? A Yes sir.

Q They were both slaves at that time; were they married under a license or by permission from the master? A By permission from the master; there was just a preacher married them; they called it the tribble law.

Q It was more the law of custom? A That's what they always told us.

Q When and where were you married to your wife? Emma? A In Cass County, Texas.

Q By a minister and under a license? A Yes; here's the license; a copy of the license.

Statement of J.G.King, County Clerk Cass County, Texas, by Lin-
nier, Deputy, certifying that John Barber and Emma Rodgers on the
28th day of October, 1883, were married by Cosay Braxter, offered by
applicant, received, filed, marked Exhibit "A" and made a part of the
record in this case.

Q Was Braxter a minister? A Yes sir.

Q Have you any children under twenty one years of age and unmarried for whom you wish to make application? A Yes; I have six.

Q What is the name of the oldest? A Sixteen; Ora.

Q A girl. A Yes sir.

Q Next? A Eugene (Boy).

Q How old? A Twelve.

Q Next? A Roscoe (Boy)

Q How old? A Ten.

Q Next? A Arthur (Boy)

Q How old? A Eight.

Q The next? A Annie May (Girl)

Q How old? A Six.

Q Next? A Regina (Girl)

Q How old is she? A Two years old.

Q Is that all? A Yes sir.

Q You claim for yourself, wife and children, do you? A Yes sir.

Q Is your wife, Emma, the mother of these children? A Yes sir.

Q Was she ever married before she married you? A No sir.

Q Were you ever married before? A No sir.

Q How much Choctaw blood do you claim for yourself and children? A I claim a half, if I don't make no mistake.

Q Is your name, or your childrens' or that of your wife on any of the tribal rolls of the Choctaw Nation in the Indian Territory?

A Not that I know of.

Q Have you ever made application for yourself, your wife or your children to be admitted as citizens of the Choctaw Nation, to the Choctaw tribal authorities in the Indian Territory? A No sir.

Q Have you ever made application for yourself or them for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the Act of Congress of June 10, 1896? A No sir; this is the first I have ever made.

Q Do you now come before the Commission to be identified as Mississippi Choctaws, making application for yourself, your wife and your children and claiming under the fourth tenth article of the treaty of 1830? A I just claim to be a half; I don't know; I don't exactly understand the meaning of the treaty.

Q A treaty is a compact or contract made between two or more Nations an article in a treaty is one of the subdivisions and treats upon some part of the subject matter of this treaty.

This treaty was made between the United States and the Choctaw Indians at a place called Dancing Rabbit Creek in Mississippi and was signed on the 27th day of September, 1830. It was afterwards, on the 24th day of February, 1831, ratified and went into effect. The object of that treaty was to remove all the Choctaw Indians from the old Choctaw Nation in Mississippi and Alabama to the Choctaw Nation, Indian Territory; before the treaty was signed it became known that a good many Choctaw Indians wouldn't come to the Choctaw Nation, in the Indian Territory, and in order to protect their rights and interests it was finally agreed to put into the treaty article fourteen which was put there for the special benefit of those Choctaws who stayed back there in the old Choctaw Nation; that article reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you think you understand that now? A You mean if he removed from Mississippi?

Q Yes, if he moved from Mississippi to the Indian Territory, he could have citizenship rights but not annuity rights. A Yes, I understand some of it.

Q Do you think you understand it well enough to claim under it? A I can't claim any more than what the law says.

Q Do you claim under that article or also under other articles of that treaty? A I don't know sir; I just want to tell the truth.

Q Well, just go ahead-- A Well, I understand it, that if they removed,-- I understand it.

Q What is the name of your ancestor through whom you claim your right to be identified as Mississippi Choctaws? A Well, I don't know sir.

Q Don't you know whom you claim through? A I don't know any one but my parents.

Q Do you claim through your father or mother, your grandparents or great-grand--- A I don't know only what they say.

Q What? A They say they was half.

Q Where did they get the Choctaw blood? A From their parents: my father's father was named Crawford Barber.

Q How much Choctaw blood did he have? A I don't know sir, only what they tell me; he must have been full-blood or something; my father claimed to be half from him.

Q Did he claim from Crawford's wife? A He just claimed to be a half; that's all I know.

Q What was his wife's name? A Lovie Barber.

Q Were they both slaves before the War? A I reckon so; I am satisfied they was.

Q Do you claim from anybody else, going back now on your mother's side? A Well, my father, of course, he had the blood in him.

Q Well, I am asking now-- you have given your father's father's name and your father's mother's name--- what was your mother's father's name? A She claimed a half; Joe Mayfield.

Q How much Choctaw blood did Joe Mayfield have? A Claimed to be a half, I think.

Q I don't want you to think; what do you know? A I only know what they said; they is dead.

Q Well, did his wife have any Choctaw blood? A They said she had.

Q How much? A They said she had a half.

Q What was her name? A I don't recollect.

Q Did they live in Mississippi or Alabama, any of them? A They lived at Indian Springs at Georgia.

Q Never lived in Mississippi? A No sir.

Q Do you know whether they were slaves before the War? A Yes, they was.

Q And none of these ancestors, Mayfields or Barbers ever lived in Mississippi or Alabama? A No sir; I don't know only that they come from Indian Springs, Georgia.

Q Do you know whether any of your Choctaw ancestors owned any improvements in Mississippi or Alabama in 1830? A I don't know.

Q What was the name of the ancestor through whom your wife claimed her Choctaw blood? A Paton Rodgers was her father and Wilder Cooks was her grandfather.

Q And Maria Cooks? A Well, that's her grandmother.

Q Then, she claims through Wilder Cooks and his wife, Maria? A Yes sir.

Q How much Choctaw blood does she claim through them? A She claims a half; half from her mother-- I don't know how much they had.

Q Did any of your wife's ancestors live in Mississippi in 1830? A I don't know, sir, only Wilder Cooks.

Q Did any of your ancestors or your wife's or children's live in Mississippi in 1830? A I don't know.

Q Did any of your ancestors or your wife's within six months from the ratification of this treaty go to the United States Indian agent Col. Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States? A Not that I know of.

Q Did any of your ancestors or your wife's ancestors go from the old Choctaw Nation to the new Choctaw Nation in the Indian Territory with the other Indians between 1833 to 1838? A Not that I know of.

Q Did any of your ancestors or your wife's own any land or claim any under article fourteen of the treaty of 1830 in Mississippi or Alabama? A Not that I know of.

Q Did any of them own or claim any land or benefits under any other article of the treaty of 1830 than article fourteen or under the supplement to that treaty? A No sir; not that I know of.

Q Did any of your ancestors or your wife's claim any benefits as Choctaw Indians under any treaty made between the United States and the Choctaw Indians other than the treaty of 1830? A I don't know, sir.

The Indians who stayed back in Mississippi in 1830 after the treaty of 1830 was ratified were required, if they wanted to take advantage of the provisions of the fourteenth article of the treaty to go to the United States Indian agent, Col. Ward, within six months from the ratification of that treaty and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States. A good many Indians did this whose names Col. Ward failed to put upon his list, made by him, called Ward's Register. This caused a good many complaints among the Indians because land was taken from the Indians which they held in Mississippi and sold by the Government at Public Land Sale together with the improvements on that land; these complaints caused Congress in 1837 to appoint a Commission which went to Mississippi and heard claims under the fourteenth article fourteen; in 1842 another Commission was appointed by Congress for the same purpose; this Commission also went to Mississippi and heard claims under the fourteenth article.

Q Did any of your ancestors or your wife's go before either of these Commissions and claim benefits under that article? A Not that I know of.

The Act of Congress approved August 23, 1842, provided that if any Choctaw Indian proved his claim under article fourteen of the treaty of the Dancing Rabbit Creek, if it also appeared that he had had land in Mississippi which the Government had taken from him and sold that he should be entitled to select land there in Mississippi, Alabama, Arkansas or Louisiana, to be taken from vacant Government land, and the proof of his right to this selection was evidenced by a certificate which was issued to him and which at that time was called scrip.

Q Did any of your Choctaw ancestors or your wife's receive any such scrip from the United States Government? A Not that I know of; I don't know.

Q What relatives of yours or your wife have appeared for--

A John Rodgers and Neal Bruce are both related to my wife.

Q Did they ever appear here? A No sir; none at all.

Q Do you want to have the testimony considered in the cases of John Rodgers and Neal Bruce considered in connection with the testimony in behalf of your wife, in order that each may get the benefit? A Yes sir.

Q Does your wife speak Choctaw? A No sir.

Q Can you? A No sir.

Q Has your wife black hair? A Yes sir.
Q Is it straight or curly? A Its tolerably straight.
Q A little curly? A Yes sir.
Q Have you any documentary evidence you want to present in behalf of your wife or children or for yourself? Have you any papers?
A No more than these people that have known me all my life; there's a woman.
Q What is her name? A Jane. Jane Andrews; Jackson now.

This applicant has the appearance of a person descended from African parentage. Claims to be half Choctaw Indian; doesn't show in his appearance. He has evidently other blood than that of a negro; he claims it to be Choctaw; the Commission is not able to determine whether it is Choctaw or white.

Q Do you claim any white blood? A No sir.

He has no knowledge of the Choctaw language and no knowledge of the compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of 1830. His parents and their ancestors were slaves before the War, and there is no proof that any of them ever lived in the State of Mississippi.

-1-1-1-1-1-

Henry G. Haine being sworn on his oath states that as stenographer to the Commission to the five Civilized Tribes he reported in full all proceedings had in the above entitled cause on January 17, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Haine

Subscribed and sworn to before me this 21st day of January, 1902.

Clara Mitchell Wood
Notary Public.

COPY

M.C.R.4528.

Muskogee, Indian Territory, October 28, 1902.

John Barber,
Marietta, Texas.

Dear Sir:-

You are hereby advised that on the 28th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John Rodgers, et al., embracing the following applications for identification as Mississippi Choctaw:

John Rodgers, et al., M.C.R.4526;
Margaret Rodgers, et al., M.C.R.4561;
John Barber, et al., M.C.R.4528.

These applications were made under the provision of the act of Congress of June 25, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John Rodgers, Lenora Rodgers, Essie Rodgers, Margaret Rodgers, Nathan Rodgers, John Barber, Emma Barber, Ora Barber, Eugene Barber, Roscoe Barber, Arthur Barber, Annie May Barber, and Regina Barber, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty and that the applica-

J. B., 2.

tions for their identification as such should be refused and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

C. R. Breckinridge.
Commissioner in Charge.

Registered,

COPY.

M.C.R. 4528

Muskogee, Indian Territory, March 5, 1903.

John Barber,
Marietta, Texas.

Dear Sir:

You are hereby notified that on the 19th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John Rodgers, et al., of which decision you were advised by registered mail on the 28th day of October, 1902.

Respectfully,

(SIGNED)

James Birney
Chairman.

No. 4528

For Identification as a Mississippi Choctaw.

Date

JAN 1 1912

Name John Barber.

Age 38 — Blood $\frac{1}{2}$ —

Post Office, Marietta, Texas

Father: Joe Barber $\frac{1}{2}$ neg. $\frac{1}{2}$ choct. d

Mother: Elmira " $\frac{1}{2}$ neg. $\frac{1}{2}$ choct. d
(both slaves.)

Claims through both parents,
wife Emma Barber. $\frac{1}{2}$ choct. $\frac{1}{2}$ neg.

Claims for wife,
father, Paton Rodgers. $\frac{1}{2}$ choct. $\frac{1}{2}$ neg.
mother, Margaret " $\frac{1}{2}$ choct. $\frac{1}{2}$ neg.
wife claims through both parents.

Children:

Ora Barber F. $\frac{1}{2}$ 16

Eugene " $\frac{1}{2}$ 12

Roscoe " $\frac{1}{2}$ 10

Arthur " $\frac{1}{2}$ 8

Annie May " F. $\frac{1}{2}$ 6

Regina " F. $\frac{1}{2}$ 2

Claims for prop. wife
and children —

Choctaw MCR 4529

Jane Jackson

See MCR 4530

MCR 4529

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Jane Jackson, et al.,
for identification as Mississippi Choctaws, consolidating the appli-
cations of:

Jane Jackson, M.C.R. 4522

Marion Jackson, et al., M.C.R. 4530.

List of papers forwarded to the Secretary of the Interior comprising
the report in the consolidated case of Jane Jackson, et al.

	(Page)
Original application of Jane Jackson before the Dawes Commission for identification as a Mississippi Choctaw.....	1
Original application of Marion Jackson, et al., before the Dawes Commission for identification as Mississippi Choctaws.....	7
Testimony of Jane Jackson.....	12
Decision of the Commission regarding the applications in the consolidated case of Jane Jackson, et al., applications for identification as Mississippi Choctaws.....	14

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. January 17, 1902.

TESTIMONY OF JANE JACKSON

In the matter of the application of Jane Jackson for identification as a Mississippi Choctaw, heard at Muskogee, I.T. January 17, 1902.

In the matter of the application of Monroe Jackson et al., for identification as Mississippi Choctaws, heard at Muskogee, I.T. January 17, 1902.

Jane Jackson being called and sworn as a witness in these cases testified as follows:

Examination by the Commission:

- Q What is your name? A Jane Jackson.
Q What is your age? A Fifty eight years old.
Q What is your present residence? A Fort Worth, Texas.
Q Are you an applicant for identification before this Commission as a Mississippi Choctaw? A Yes sir.
Q Do you know Monroe Jackson? A Yes sir.
Q What is your son? A Young.
Q You heard him testify here? A Yes sir.
Q Is there anything you can state besides what he said? A No sir, more than only he didn't put in my great grandchildren.
Q Well, their father is living, is he not? A Yes sir.
Q Well, the father will have to appear for these children unless some one is appointed legal guardian and comes here as such. Now then, have you told all you know about the Choctaw blood claimed by Monroe Jackson? A Yes sir.

(Witness excused.)

Henry C. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above proceedings on January 17, 1902, and that this is a full, true

-2-
and correct transcript of his stenographic notes in said case on
said date.

Henry S. Davis

Subscribed and sworn to before me this 22nd day of January, 1902.

Clarence Mitchell Wood

Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I.T. January 17, 1902.

4529

In the matter of the application of Jane Jackson for identification as a Mississippi Choctaw.

Applicant not represented by attorney.

Jane Jackson being first duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Jane Jackson.
Q What is your age? A Sixty eight years the twelfth of last July.
Q What is your post office address? A I live in Jefferson, Marion County, Texas.
Q Where were you born? A In Cherokee County, Mississippi.
Q How long did you live in that County? A Well, when I left there I was twenty four years old.
Q When you left Mississippi where did you go? A We come to Texas.
Q And have you lived in Texas ever since? A Yes sir.
Q Have you lived in that one County ever since all the time? A Yes sir.
Q Have you always lived in Marion County? A No sir; only for about twenty years.
Q Is your father living? A No sir.
Q Is your mother living? A Not as I know of; my mother was taken away when I was small.
Q What was your father's name? A James Andrews.
Q What is your mother's name? A Maria.
Q How you claim your Choctaw blood from which parent? A My father was a full-blood Choctaw.
Q How much Choctaw did your mother have? A My mother was half Choctaw.
Q You claim through both parents, then, do you? A Yes, through both parents.
Q How much Choctaw blood do you claim? A Well, I reckon I ought to claim three quarters, oughtn't I? It's over a half.
Q When and where were your father and mother married? A They wasn't married.
Q Were they slaves before the War? A My mother was; my father was free-born; he wasn't no slave.

Q They were not married then, were they? A No sir.

Q Have your parents ever been recognized in any way or enrolled as members of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A Well, I have half brothers that own land.

Q I didn't ask that. Have your father and mother been enrolled as Choctaws? A No sir; I don't know.

Q You say John Andrews was a full-blood? A Yes sir.

Q Did your father ever live in Indian Territory? A Yes, I reckon so.

Q Did he come from Mississippi to the State of Texas? A Yes, he did.

Q When did he come to the Territory? A I can't tell you; he come in time of slavery; he was sixty five years old when he died.

Q Where did he die? A In Mississippi.

Q Then he didn't come to the Indian Territory? A No sir.

Q Are you married? A Is it?

Q Yes. I isn't now; I has been; my husband is dead.

Q What was his name? A Andrew Jackson.

Q How long has he been dead? A He has been dead about eight years.

Q Was he a negro? A Yes sir.

Q Was he a slave before the war? A Yes sir.

Q Have you any children under twenty one years of age that you want to make application for? A I have no children; I have grandchildren.

Q Are their parents dead? A Well, no sir-- yes--

Q Are these children living with you? A No sir.

Q You haven't charge of them? A No sir; I don't have charge of them at all.

Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A Not as I knows of.

Q Did you ever make application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.

Q Did you ever make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw nation under the Act of Congress of June 10, 1896? A No sir.

Q Have you ever been admitted to citizenship in the Choctaw nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.

Q Have you ever before this time made application for citizenship in the Choctaw Nation either to the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A No sir.

Q Do you now come before this Commission for the purpose of being identified as a Mississippi Choctaw claiming under the fourteenth article of the treaty of 1830? A Yes sir.

Q Do you understand article fourteen of that treaty? A I reckon I understand it.

Q Do you want to have it explained to you further? A Yes sir.

Q Know what a treaty is? A Yes sir.

Well, a treaty was made between the United States and the Choctaw Indians in 1830 on the 27th day of September at a place called Dancing Rabbit Creek in Mississippi; that treaty was made at that time for the special purpose of removing all the Choctaw Indians who lived in the old Choctaw Nation in Mississippi and Alabama from that old Choctaw Nation to the Choctaw Nation, Indian Territory; but before the treaty was signed it became known to all the parties interested that a good many Choctaw Indians would not go to the Choctaw Nation, Indian Territory, with the other Indians under the treaty and in order to protect their interests article fourteen was put into the treaty. An article in a treaty is one of its subdivisions and treats of the general subject in that treaty. Article fourteen

of the treaty of 1830 was put into the treaty for the benefit of those who stayed back there; it reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living, with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove, are not to be entitled to any portion of the Choctaw annuity."

Q Did any of your ancestors comply with that article, do you know?

A No sir.

Q What was the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Why, its my father.

Q You claim through your father? A Yes, through my father and mother too.

Q Now, go back as far as you can and tell me whom you claim through? Grandfather or mother grandmother, or great grandparents-- A I claim some from my great grandmother; said she was part Indian.

Q What was her name? A Miney McGraw.

Q On which side is she- ? A Mother's side.

Q That was your mother's grandmother, your great grandmother? A Yes sir.

Q Do you know of any other ancestor that you cla in through?

A No sir; I don't know, of any other; I just know of that one, 'cause they was all dead.

Q How much Choctaw blood did she have? A Half.

Q Did she ever live in Mississippi? A Yes, she was born there.

Q And did you live in Mississippi? A Yes sir.

Q Born there? A Yes sir.

Q Did Miney McGraw die in Mississippi? A Yes sir; but I don't know where my mother died.

Q Was Miney McGraw a slave? A Yes sir.

Q Were your father and mother slaves? A My mother was.

Q Were all your mother's mother's people slaves, way back there?

A Yes sir.

Q Were any of your father's people slaves back-? A No sir; not as I know.

Q Did Miney McGraw live in Mississippi in 1830 and have a family there? A Well, she was dead; I don't know.

Q Where was your mother born? A In Mississippi.

Q And then she went where to? A Well, she just went 180 miles but it was still in Mississippi.

Q How old was she when she left Mississippi? A I can't tell.

Q Did she ever leave the State? A I can't tell only by my age, which was fifteen years old when I was born.

Q Did any of your Choctaw ancestors to your knowledge own any improvements on land in Mississippi or Alabama in 1830; I mean by ancestors, your father or mother, grandparents, greatgrandparents--

A No sir; I don't know.

Q Of course, Miney McGraw didn't because she was a slave. A No sir; but my father's folks was free-born.

Q Can you give the name of your father's father or mother? A No sir.

Q You don't know whether they had any improvements on land in Mississippi? A No sir.

Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian agent, Col. Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States?

A I can't tell you, for I don't know a thing about none of my relatives only is I know them before if I was free.

Q Did any of your Choctaw ancestors go from the old Choctaw Nation to the Choctaw Nation, Indian Territory, with the other Indians between 1833 to 1840? A I think they went; I don't know sir.

Q Did any of them, if Choctaw Indians, own or claim any land in Mississippi or Alabama under article fourteen of the treaty of 1830?

A They claimed and owned land?

Q Well, did they claim it under that article of that treaty? A No sir.

Q Did they buy it? A I don't know whether they bought it or not.

Q You never heard that the Government gave it to them? A No sir.

Q Did any of your Choctaw ancestors claim any lands or benefits under any other article of the treaty of 1830 than article fourteen or under the supplement to that treaty? A I don't know sir.

Q Did any of your Choctaw ancestors claim any rights as Choctaw Indians under any treaty made between the United States and the Choctaw Indians other than the treaty of 1830? A I don't know sir. I was so small till I can't recollect whether they did or not.

Q Did any of your Choctaw ancestors stay in Mississippi after the treaty of 1830 was ratified declaring that they wouldn't go to the Choctaw Nation, Indian Territory---A No sir; I don't know when I left Mississippi and they was there.

Those Indians who stayed back in Mississippi and Alabama in the old Choctaw Nation, if they wanted to take advantage of the provisions of the fourteenth article of that treaty were required to go to the United States Indian agent within six months after the ratification of that treaty and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States. A good many Indians did this whose names Col. Ward failed to put upon his list known as Ward's Register; this failure on the part of the United States Indian agent to make a proper record of the names of all those claimants under the fourteenth article caused the land which a good many Indians held in Mississippi to be taken and sold by the Government; so, many complaints were made and as a result of the complaints Congress appointed a Commission in 1837 which Commission went to Mississippi and heard claims under the fourteenth article of the treaty of Dancing Rabbit Creek; in 1842 another Commission was appointed by Congress for the same purpose and this Commission went to Mississippi and heard claims under the fourteenth article.

Q Do you know if any of your Choctaw ancestors went before either of these two Commissions and claimed benefits under that article?
A No sir, I don't.

The Act of Congress approved August 23, 1842, provided that if any Choctaw Indian proved his claim under article fourteen of the treaty of 1830, if it also appeared that he had had land in Mississippi or Alabama which the Government had taken from him and sold that he should be entitled to select land in Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant Government land and that certificates to that effect should be given him; these certificates were called scrip.

Q Did any of your Choctaw ancestors get any such scrip from the Government? A Not as I know of.
Q Have you had any relatives who have come before the Commission before this date asking to be identified as Mississippi Choctaws?
A No sir.
Q Have you any relatives? A Yes, my son.Q
Q Do you want to have his testimony and yours considered together after he has made his application? A Yes sir.
Q He claims through Miney McGraw, I suppose, the common ancestor?
A Yes sir.
Q Have you any evidence you want to present now in support of your claim? A No sir.
Q Can you speak the Choctaw language? A No sir. I aint been among them enough to know; all I know is "chickamah" and--
Q What is "chickamah"? A Its "no".
Q Have you any documents or records of any kind you want to introduce now? A No sir.
Q Do you want time in which to present proper evidence or testimony in this case? A Yes sir.

Reasonable time will be allowed this applicant in which to furnish such evidence as may be permitted under the rules of the Commission in support of this application.

Q Do you claim any white blood at all? A None at all.
Q Are you positive you have no white blood? A None at all.

This applicant has the appearance of one descended from mixed ancestry composed of negro and Indian blood; she has black hair, practically straight, a little wavy, dark black eyes and dark skin--the features are thin and the forehead is low and receding, and high cheek bones; she has the features of an Indian more than a negro,-- lips thin and nose straight; she either has negro and white or negro and Indian;-- she says she has no white blood. It would appear from her testimony that she has at least half-Choctaw blood she says-- Indian blood. Her father and his ancestors, she says were never slaves, her mother and her ancestors were slaves. She has no knowledge of the Choctaw language and no knowledge of the compliance by any of her ancestors with any of the provisions of the fourteenth

article of the treaty of 1830.

-1-1-1-1-

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on January 17, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 22nd day of January, 1902.

Charles M. Hillwood

Notary Public.

all
C.W.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Jane Jackson, et al.,
for identification as Mississippi Choctaws, consolidating the appli-
cations of

Jane Jackson,	M.C.R. 4529
Menree Jackson, et al.,	M.C.R. 4530.

---: D E C I S I O N :---

It appears from the record herein that applications for
identification as Mississippi Choctaws were made to this Commission
by Jane Jackson for herself; and by Menree Jackson for himself and
his six minor children, Pleasant, Janie, Artis, Alma, Pearla and
Tennie Jackson, under the following provision of the act of Congress
approved June 20, 1898 (30 Stat., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of James Andrews, who is alleged to have been a full blood Choctaw Indian, and of Minny McGraw, who is alleged to have been an one-half blood Choctaw Indian.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said James Andrews, or Minny McGraw, or ancestors less remote, signified (in

person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 100) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Jane Jackson, Monroe Jackson, Pleasant Jackson, Jamie Jackson, Artie Jackson, Alma Jackson, Pearl Jackson and Tennie Jackson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

SIGNED:

Tamr Dixey.

Acting Chairman.

SIGNED:

T. B. Needles.

Commissioner.

SIGNED:

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory,

OCT 28 1902

COPY

M.C.R. 4529

Muskogee, Indian Territory October 28, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 28th day of October 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Jane Jackson, et al., embracing the following applications for identification as Mississippi Choctaws:

Jane Jackson,
Menree Jackson, et al.,

M.C.R. 4529
M.C.R. 4530.

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 496) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Jane Jackson, Menree Jackson, Pleasant Jackson, Janie Jackson, Artis Jackson, Alma Jackson, Pearla Jackson and Tennie Jackson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions

M M A C -2

of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the principal applicant in this case has been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

C. R. Breckinridge.
Commissioner in Charge.

COPY.

M/
M.C.R. 4529.

Muskogee, Indian Territory October 28, 1902.

Jane Jackson,
Jefferson, Texas.

Dear Madam:

You are hereby advised that on the 28th day of October 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Jane Jackson, et al., embracing the following applications for identification as Mississippi Choctaws:

Jane Jackson, M.C.R. 4529
Monroe Jackson, et al., M.C.R. 4530.

These applications were made under the provision of the act of Congress of June 28, 1902 (30 Stats., 426) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Jane Jackson, Monroe Jackson, Pleasant Jackson, Janie Jackson, Artis Jackson, Alma Jackson, Pearl Jackson and Fannie Jackson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and

J J -2

thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

C. R. Breckinridge.
Commissioner in Charge.

Registered.

COPY.

M.C.R. 4529

Muskogee, Indian Territory, November 13, 1902.

The Honorable,
The Secretary of the Interior.

Sir:-

There is transmitted herewith the record in the consolidated case of Jane Jackson, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 28, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

Jane Jackson,	M.C.R. 4529
Monroe Jackson, et al.,	M.C.R. 4530.

The Commission has the honor to report that the principal applicants in the several separate applications and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

12001

Tamc Dixby
Acting Chairman.

Through the Commissioner
of Indian Affairs.
1 enclosure, M C R 4529

C O P Y

DEPARTMENT OF THE INTERIOR

Land

OFFICE OF INDIAN AFFAIRS

68,338-1902

Washington, Jan. 27, 1903.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to submit, herewith, for your consideration, the record of the Commission to the Five Civilized Tribes in the matter of the application for identification as Mississippi Choctaws of the following parties: Jane Jackson for herself; Monroe Jackson for himself and his six minor children, Pleasant, Jamie, Artis, Alma, Pearla and Tennie Jackson, wherein a decision adverse to the applicants was rendered by the commission on October 28, 1902

The testimony in this case shows that the applicants base their claim to identification as Mississippi Choctaws under this case, because of their descent from Jas Andrews and Minny McGraw, who were slaves. They claim that their ancestors were Choctaw Indians and residents of the Choctaw Nation, in Mississippi, at the time of the making of the Choctaw treaty of 1830.

The commission rejected the applicants because the names of their ancestors through whom they claim did not appear among the names of those who complied or attempted to comply with the pro-

visions of the Choctaw treaty of 1830, and for the additional reason that the applicants had never been enrolled as citizens of the Choctaw Nation.

An examination has been made of the records of this office with reference to the names of Jas Andrews and Miney McGraw, and it is discovered that their names do not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

This being the case it is evident that the decision of the commission rejecting the applicants was correct, and I concur in that finding and recommend that it be approved.

Very respectfully

A C. Tonner

Acting Commissioner

F.B.H)

P.

C O P Y

D.C. 4806

DEPARTMENT OF THE INTERIOR

EAT

WASHINGTON

I.T.D. 1180-1903

February 16, 1903

L.R.S

Commission to the Five Civilized Tribes

Muskogee, I.T.

Gentlemen:-

November 13, 1902, you transmitted the record in the consolidated case embracing the applications for identification as Mississippi Choctaws, of Jane Jackson, and of Monroe Jackson and his minor children, Pleasant, Janie, Artis, Alma, Pearla and Tennie Jackson, including your decision of October 28, 1902, refusing the applications.

The applicants claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of one James Andrews, alleged to have been a full blood Choctaw Indian, and of one Minny McGraw, who is said to have been a one-half blood Choctaw Indian.

The records fail to show that the applicants were ever admitted or enrolled as citizens of the Choctaw Nation, or that any one of their alleged ancestors complied or attempted to comply with article 14 of said treaty or with either of the acts of March 3, 1837 (5 Stat. 180) and August 23, 1842 (5 Stat. 513).

Reporting January 27, 1903, the Acting Commissioner of Indian Affairs recommends approval of your decision. A copy of

his letter is inclosed.

The Department has reviewed the record in the case, and hereby affirms the decision rendered.

Respectfully

(Signed) Thos Ryan

Acting Secretary

1 inclosure

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

10 Jan 03
H.C.R. 4829

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 20, 1903.

Jane Jackson,
Jefferson, Texas.

Dear Madam:-

You are hereby notified that on the 16th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jane Jackson, et al., of which decision you were advised by registered mail on the 20th day of October, 1902.

Respectfully,


Chairman

COPY,

M.C.R.4529

Muskogee, Indian Territory, February 28, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:-

You are hereby notified that on the 16th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jane Jackson, et al., of which decision you were advised by mail on the 28th day of October, 1902.

Respectfully,

Tams Bixby.
Chairman

Consolidated Case
of
Jane Jackson

REFER TO M.C.R. 4.5 2 9

OFFICE AGE SEX BLOOD YEAR COUNTY
TRIBAL ENROLL

CHOCT

No. 4529

For Identification as a Mississippi Choctaw.

Date JAN 17 1902

Name Jane Jackson,

Age 68 Blood $\frac{3}{4}$

Post Office, Jefferson, Texas,

Father: James Andrews ^{full} ^{Choctaw} d

Mother: Maria " ^{slave} d

Claims through both parents
husband

Andrew Jackson (d) ^{negro} ^{slave}

~~Children:~~

Claims for self -

1/4 slave

1 OF THE INTEROP
10 THE FIVE CIVILIZED TR
FILED

DEC 6 1902

[Handwritten signature]
J. T. G. C. [unclear]

JEFFERSON, TEX.
OCT 31 1902

REGISTERED
DEC 5 1902
MUSKOGEE, IN

877

UNCLAIMED
RETURN TO WRITER



Department of the Interior
Commission to the Five Civilized Tribes
MUSKOGEE, IND. TER.
OFFICIAL BUSINESS.
Penalty for private use, \$200.

3297
2077



Jane Jackson,
Jefferson, Texas.

4524

Bile,



Chairman

A handwritten signature in dark ink, appearing to be "W. B. Smith".

APR 7 1903

FILED

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE CIVILIZED TRIBES.

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

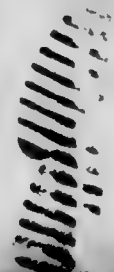
Penalty for private use, \$300.

UNCLAIMED

Jane Jackson,

Jefferson

RETURN TO WRITER



Choctaw MCR 4530

Monroe Jackson

See MCR 4529

MCR 4530

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. January 17, 1902.

4530

In the matter of the application of Monroe Jackson for the identification of himself and his six minor children, Pleasant, Jamie, Artis, Alma, Pearla and Tennie Jackson, as Mississippi Choctaws.

Applicant not represented by attorney:

Monroe Jackson being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Monroe Jackson.
Q What is your age? A I will be fifty one years old the 16th of next May, if I have been taught right.
Q You are fifty now? A Yes sir.
Q What is your post office address? A Marietta, Texas; Cass County.
Q How long have you lived in that County? A I have been living in that County at least thirty year, I was born in Mississippi, so mother says.
Q Where in Mississippi? A Pike County.
Q And from there you went to Texas? A Yes, I come to Texas a slave.
Q Is your father living? A I don't know.
Q This is your mother here? A Yes sir.
Q She has appeared before the Commission today? A Yes sir.
Q What is your father's name? A George Andrews.
Q You take the name of Jackson because that is your step-father's name, but your father's name was Andrews? A Yes sir.
Q You just dropped the Andrews-- A Yes sir.
Q Were you a slave before the War? A Yes sir.
Q And after the War you were liberated? A Yes sir.
Q Your own father's name was Andrews? A Yes sir.
Q And he also was a slave? A Yes sir.
Q And your mother also? A Yes sir.
Q Your mother's name is Jane Jackson? A Yes sir.

(Here the mother of this applicant says: " In slavery time we went by white folks' names- Andrews; but I married a Jackson).

- Q Through which parent do you claim Choctaw blood? A My mother.
Q How much Choctaw blood do you claim? A I claim a quarter.
Q Well, your mother claims three quarters and you would claim a half of that, would you? A Yes; I claim a half of three quarters.

Q How much would that be? A That would be a third and a half of a third; I don't know just exactly; its three thirds.

Q It would be three eighths, wouldn't it? A Yes sir.

Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A Not that I know of.

Q Are you married? A Yes sir.

Q What is your wife's name? A Alice.

Q Is she a negro? A Yes sir.

Q Do you make any claim for her? A No sir.

Q Now, give me the names of your children, commencing with the oldest, under the age of twenty one and unmarried whom you want to make application for? A Pleasant Jackson.

Q Boy? A Yes sir.

Q How old is Pleasant? A Eighteen years old.

Q Next? A Janie.

Q How old is Janie? A Fifteen years old.

Q Next? A Artis? Boy).

Q How old is Artis? A Thirteen.

Q The next? A Alma (Girl).

Q How old is Alma? A Alma is eleven.

Q Next? A Pearla (Girl).

Q How old is she? A Eight.

Q The next? A Tennie (Girl).

Q How old? A Six years old.

Q The next? A No more under age.

Q You claim for yourself and these children, do you? A Yes sir.

Q Is Alice Jackson the mother of these children? A Yes sir.

Q And you are the father? A Yes sir.

Q They all live with you at your home? A Yes sir.

Q Were either of you married before? A No sir. This is our first marriage.

Q Is your name or the name of any of your children on any of the tribal rolls of the Choctaw nation in the Indian Territory? A No sir.

Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities in the Indian Territory? A No sir.

Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Dawes Commission under the Act of Congress of June 10, 1896? A No sir.

Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No sir.

Q Have you ever prior to this time sought to enroll yourself and children as members of the Choctaw tribe of Indians by making application to the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A No sir; well, yes, I made an effort three years ago.

Q In the Choctaw Nation? A Well, I come- I helped to move a man from there over here and for that cause they got after me, and I made some enquire about it.

Q Did you appear before the Commission? A No sir.

Q Nor the tribal authorities? A No sir.

Q Do you now come before the Commission at this time and ask for the identification of yourself and your children as Choctaw Indians claiming under article fourteen of the treaty of 1830? A Yes sir.

Q Do you understand article fourteen of that treaty? A Well, I don't know, sir, as I do, Mr. Judge, exactly. I try to.

Q Do you know what a treaty is? A I understand you.

Q It is a contract between Nations -- this one was between the United States and the Indians. A Yes sir.

Q It is always in writing. A treaty like this was made between the United States Government and the Choctaw Indians on the 27th day of September, 1830, at a place called Dancing Rabbit Creek in Mississippi, and was made for the purpose of removing the Choctaw Indians who lived in that old Choctaw Nation from that Nation to the Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation, Indian Territory, and so to protect their interests article fourteen was drafted into the treaty. Article fourteen reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be living with him under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Did any of your ancestors comply with the provisions of that article of that treaty as read and explained to you? A Not as I knows of.

Q You understand that, don't you? A Yes sir.

Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Jane Jackson.

Q How she claims through whom? A Through James Andrews.

Q She claims through Miney McGraw in her testimony? A Yes sir.

Q Well, do you claim through Miney McGraw? A Yes sir.

Q That is her mother's mother? A Yes sir.

Q How much Choctaw blood did Miney McGraw have? A half I think.

Q Was she a slave before the War? A I don't know, sir.

Q Your mother testified that she was. A Yes sir.

Q Did you hear that she was? A Yes, I have heard mother speak of her.

Q Do you know whether Miney McGraw lived in Mississippi in 1830 and had children there at that time? A No sir.

Q Do you know whether she, Miney McGraw, ever lived in Mississippi or Alabama? A No sir; I don't know.

Q You don't know anything about her or her Choctaw blood? A No sir.

Q Was she a recognized member of the Choctaw tribe of Indians in Mississippi in 1830 or any other time? A Not as I knows of.

Q She was a slave, was she? A Yes sir.

Q And her daughter was a slave? A Yes sir.

Q All your ancestors on that side were slaves? A Yes sir.

Q You don't know anything about the ancestors on your father's side, do you? A No sir.

Q Did any of your Choctaw ancestors own any improvements on land in Mississippi and Alabama in 1830? A ---

own any improvements on land which they got from the Government?

A Well, my grandfather and my mother had some trees owned farms in Mississippi, but I can't say how they got them.

Q Do you think they bought these farms? A I think so.

Q Did any of your Choctaw ancestors go to the United States Indian agent in Mississippi, and tell him they wanted to stay in Mississippi take land there and become citizens of the States? A I don't know, sir.

Q Never heard they did? A No sir.

Q Did any of your Choctaw ancestors own or claim any land in Mississippi under article fourteen of the treaty of 1830? A I don't know just what year it was.

Q Well, that was seventy one years ago. A Well that's farther I can say; I don't know about that.

Q Did any of them claim any land or benefits under any other article of the treaty of 1830 than article fourteen or under the supplement to that treaty? A No sir, I don't know.

Q Did any of your Choctaw ancestors claim any benefits as Choctaw Indians under any treaty made between the United States Government and the Choctaw tribe of Indians other than the treaty of 1830?

A Not as I know of.

Q Did any of your Choctaw ancestors claim any rights or exercise any rights as Choctaw Indians in Mississippi under any portion of the treaty of 1830? A No sir; I don't know.

Q

The Indians who stayed in Mississippi after the treaty of 1830 was ratified, if they wanted to take advantage of the provisions of that treaty, were required to go to the United States Indian agent, Col. Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States. A good many Indians did this whose names did not appear and were not put on any list made by Col. Ward; his list known as Ward's Register, contains only seventy one heads of families out of the hundreds and perhaps thousands who made application to him under article fourteen of the treaty of 1830. This neglect of the agent caused many Indians to lose their lands and the complaints made by them and other Indians caused Congress to appoint in 1837, March 3, that year, a Commission which went to Mississippi and hear many claimants under the fourteenh article and made lists of the names of those who came before it. In 1842 another Commission was appointed by Congress for the same purpose under Act approved August 23, 1842, and this Commission also made a list of the names of all claimants who appeared before it under article fourteen.

Q Did any of your ancestors to your knowledge go before either the Commission of 1837 or that of 1842 claiming benefits under article fourteen? A Not that I know; not to my knowledge.

Q Did any of your ancestors receive any scrip from the United States Government as Choctaw Indians which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas to replace the land that they had formerly held in Mississippi and which the Government of the United States took from them and sold at its Public Land Sale? A Not as I know of.

Q Have you had any relatives to appear before the Commission other than your mother, Jane Jackson? A No sir.

Q Do you desire her testimony taken into consideration with yours?

A Yes sir.

Q Have you any other evidence or proof that you want to introduce now in support of this claim? A No sir.

Q Do you speak Choctaw? A No sir.

Q Do you want time in which to present documentary evidence or any other proper evidence? A No sir; I don't know that I do.

This applicant has the appearance and physical characteristics of being descended from white parentage African; his personal appearance is that of a full-blood negro, but his mother who appears at this date and who is now before the Commission has the appearance of having Indian blood more than she does negro blood. This applicant has no knowledge of the Choctaw language and no knowledge of the compliance on the part of his ancestors with the provisions of article fourteen of the treaty of 1830; he claims to be three eighths Choctaw Indian- this claim is not substantiated in his own physical appearance but is in the appearance of his mother, Jane Jackson. This applicant's father and mother were slaves, and on his mother's side his ancestors were all slaves.

-);-1-1-1-

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on January 17, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 22nd day of January, 1902.

Chas. Mitchell Wood

Notary Public.

COPY.

M.C.R. 4530

Muskogee, Indian Territory October 28, 1902.

Monroe Jackson,

Jefferson, Texas.

Remailed

Manetta

Dec 6. 1902

Dear Sir:-

You are hereby advised that on the 28th day of October 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Jane Jackson, et al., embracing the following applications for identification as Mississippi Choctaws:

Jane Jackson,
Monroe Jackson, et al.,

M.C.R. 4529
M.C.R. 4530.

These applications were made under the provision of the act of Congress of June 26, 1898 (30 Stats., 426) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Jane Jackson, Monroe Jackson, Pleasant Jackson, Janie Jackson, Artis Jackson, Alma Jackson, Pearla Jackson and Tennie Jackson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and

MJ-2

thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

C. R. Breckinridge.
Commissioner in Charge.

Registered.

COPY.

M.C.R. 4530

Muskogee, Indian Territory, February 28, 1903.

Monroe Jackson,

Marietta, Texas.

Dear Sir:-

You are hereby notified that on the 16th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jane Jackson, et al., of which decision you were advised by registered mail on the 28th day of October, 1902.

Respectfully,

Tams Bixby.
Chairman

No. 4530

For Identification as a Mississippi Choctaw.

Date

JAN 17 1907

Name Monroe Jackson
(ex-slave)

Age 50 — Blood $\frac{3}{8}$ —

Post Office, Marietta, Texas.

Father: George Andrews, d.
(ex-slave)

Mother: Jane Jackson, l.
(ex-slave)

Claims through mother
wife. Alice Jackson, l. negro
No claim for wife.

Children: Pleasant Jackson. 18

Jamie " 15

Artie " M. 13

Alma " F. 11

Pearla " F. 9

Tennie " F. 6

Claims for self
and children

Choctaw MCR 4531

John J. Boon

MCR 4531

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of John J. Boon, et al., for
identification as Mississippi Choctaws, M.C.R. 4531.

List of papers forwarded to the Secretary of the Interior
comprising the record in the case of John J. Boon, et al.

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Original application of John J. Boon, et al., to the Dawes Commission for identification as Mississippi Choctaws.....	1
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DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T., JANUARY 17, 1902.

4531

In the matter of the application of John J. Boon for the identification of himself and his minor child, John P. Boon, as Mississippi Choctaws.

No attorney for applicant:

John J. Boon being first duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A John J. Boon.
Q What is your age? A Forty nine.
Q What is your post office address? A Almira, Texas; Cass County.
Q Where were you born? A In Georgia.
Q What place? A Call County.
Q How long did you live in Georgia? A I was eleven years old when I left there I believe.
Q Where did you go to? A Mississippi.
Q You went from Georgia to Mississippi? A Yes sir.
Q Where did you go to in Mississippi? A Well, we lived about in several different Counties; my father was a mover.
Q What do you mean by a mover? A He didn't have any home; he just went about from place to place.
Q How long did you live in Mississippi? A I was born-- no, I was seventeen when I left Mississippi and came to Texas.
Q Have you lived in Texas ever since? A Yes sir; I first went to Grimes County, Texas, I believe.
Q How long did you live there? A We lived in that County about three years.
Q How long have you been in Cass County now? A Came to Cass County in '74.
Q Is your father living? A No sir.
Q Is your mother? A No sir.
Q What was your father's name? A Martin Boon; had no double name.
Q What was your mother's name? A Well, I don't know that I could tell you just what it was; she signed it May P. Boon; I don't know what the "P" is for.
Q Through which parent do you claim Choctaw blood? A Claim from my father's side.
Q How much Choctaw blood do you claim? A Well, let me see-- I have been told that it is Choctaw in me all the time and I have

heard somebody dispute it too but to say that it was Choctaw I don't know; I can't find out.

Q You don't know how much Choctaw blood that is in you? A Well, my grandfather was Indian- was said to be Indian.

Q Do you know how much Choctaw blood he claimed? A An eighth would be what I would have to claim I suppose.

Q How do you get at that quantity? A My great grandfather was said to be full-blood.

Q His son or daughter, whoever it is you claim through, was how much? A The daughter I claim was a half.

Q Now you claim through--? A Her son, my father.

Q He would have--? A Half of that; that's a quarter.

Q Now, you say you don't know whether that is Choctaw blood? A Well I have been told it was; I don't know.

Q Well, now, what is your best information about that? A Choctaw.

Q Have you any documentary evidence, proof of any kind, or records or any other evidence that you think you can get access to to show that this eighth is Choctaw blood? A I would have to get it.

Q You think you can? A Yes sir.

Q You are not able to say now? A No sir.

Reasonable time will be given you in which to get evidence to show that this eighth is Choctaw blood.

Q Was your father ever recognized as a member of the Choctaw tribe of Indians and enrolled by the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A No sir.

Q Have you the marriage license or certificate of marriage between your father and mother? A Not with me; I can get it.

Reasonable time will be allowed you for that purpose.

Q Are you married? A Yes sir.

Q What is your wife's name? A Elizabeth Boon.

Q Is she living? A Yes sir.

Q Do you claim she has any Choctaw blood? A No sir.

Q Her blood is white then? A Yes sir.

Q You make no claim for her? A None at all.

Q Have you any children under twenty one years of age and unmarried you want to make application for? A I have one.

Q What is the name of that child? A John P. Boon; thirteen years old.

Q Is Elizabeth Boon the mother of this child? A Yes sir.

Q When and where were you married to her? A In Cass County, Texas, 1876.

Q Have you the proof of your marriage with her? A I didn't bring it with me.

Q You can get it? A Yes sir.

You will be allowed time to do so.

Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory or the name of your son? A No sir.

Q Have you ever made application for yourself and son for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A Never did.

Q Have you ever made application for yourself and son for citizenship in the Choctaw Nation to the Dawes Commission under the Act of Congress of June 10, 1896? A No sir.

Q Have you or your son been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory?

A No sir; never tried to get in.

Q You now come before the Commission for the purpose of being identified, yourself and son, claiming under article fourteen of the treaty of 1830? A Yes sir.

Q Do you understand that article of that treaty? A I guess I do.

Q Want to have it explained to you again? A Maybe it would be a good idea.

The treaty of 1830 was made between the United States Government and the Choctaw Indians at Dancing Rabbit Creek in Mississippi and was signed on the 27th day of September, that year; it was made to get all the Choctaw Indians to leave that old Choctaw Nation and go to the Choctaw Nation, Indian Territory, in order that they might there exercise the right of tribal Government undisturbed by interference by whites or any other people. But before it was signed it became known that a great many Indians would not go to the Indian Territory and in order to protect their interests article fourteen was put into the treaty; that reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove, are not to be entitled to any portion of the Choctaw annuity."

Q Do you understand that provision now? A Yes, I think so.

Q Did any of your ancestors comply with the provisions of that article? A I don't know.

Q What is the name of your ancestor through whom you claim the right to be identified as a Mississippi Choctaw? A I aint positive whether it is Bennie Lassiter -- or not-- I can get that afterwards. I don't know how to spell that but I think it is Lassiter.

Q Did he live in Mississippi? A He lived in Georgia when I knowed him.

Q Did he ever live in Mississippi? A I don't know.

Q Do you know whether he had a family there in Mississippi in 1830? A I don't know.

- Q How old would he be if living now? A I don't know; I have seen him when I was small.
- Q How did he look? A He was pretty tolerably old.
- Q Did he look like a white man? A No sir; he was dark; pretty dark.
- Q What was the color of his eyes? A I don't know; I think dark.
- Q Remember the color of his hair? A No sir.
- Q Do you know whether he had any hair on his face? A No sir.
- Q Do you know whether his features were thick or thin? A Yes sir.
- Q Was his nose or lips thick? A I don't think they was; its been so long ago I can't remember well.
- Q Did he speak the Choctaw language? A I don't know.
- Q Was he a recognized member of the Choctaw tribe of Indians in 1830? A I guess so.
- Q You must not guess. A I don't know.
- Q You said he didn't live in Mississippi; how then, can you guess that he was a recognized member of the Choctaw tribe of Indians in Mississippi in 1830? A I don't know anything about that.
- Q What relation was he to you? A He was my great grandfather.
- Q Now, you claim through your father; he claimed through which parent? A His mother.
- Q What was her name? A Fairaby Lassiter.
- Q Did she ever live in Mississippi? A No sir; I don't know.
- Q You don't know whether any of your ancestors did? A No sir.
- Q Did any of your ancestors comply with article fourteen of the treaty of 1830? A I don't know sir.
- Q Did any of them own any improvements on land in Mississippi or Alabama in 1830 or any time? A I can't say.
- Q Did any of them go to the United States Indian agent in Mississippi within six months after the ratification of that treaty and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States? A I don't know sir.
- Q Did any of your Choctaw ancestors go from the old Choctaw Nation to the Choctaw Nation, Indian Territory, between 1833 to 1840? A I don't know sir.
- Q Did any of your Choctaw ancestors to your knowledge own or claim any land in Mississippi under article fourteen of the treaty of 1830? A Never heard of them claiming any at all.
- Q Did they claim or own any land or benefits whatever under any other article of the treaty of 1830 than article fourteen or under the supplement to that treaty? A I don't know; can't say.
- Q Did they claim any benefits as Choctaw Indians under any treaty between the United States and the Choctaw Indians other than the treaty of 1830? A I can't say.

The Indians who lived in Mississippi and who stayed there after the treaty of 1830 was ratified and after the other Indians had gone to the Indian Territory were required, if they wanted to take advantage of the provisions of article fourteen of that treaty, to go to the United States Indian agent in Mississippi and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States. This they should have done within six months after the ratification of that treaty. A good many Indians did this whose names Col. Ward failed to put upon his list known as Ward's Register; his failure to make a proper record of the names of those claims under article fourteen caused a good many Indians who held lands in Mississippi to lose both land and improvement- both were taken from them by the Government and sold; this caused so many complaints among the Indians that in 1837, March 3, that year, Con-

gress appointed a Commission which went to Mississippi and heard claims under article fourteen of that treaty and made a list of those claims; in 1842 another Commission was appointed for the same purpose by Congress and this Commission also went to Mississippi and heard claims under article fourteen of that treaty.

Q Do you know whether any of your ancestors appeared before either the Commission of 1837 or that of 1842 and claimed benefits under the fourteenth article of the treaty of Dancing Rabbit Creek? A I don't know about that.

According to the provisions of the Act of Congress approved August 23, 1842, those Indians who proved their rights under article fourteen of the treaty of 1830, who also proved that they had had land taken from them in Mississippi and sold by the Government that they should be entitled to select land in Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant Government land and that certificates to that effect should be issued; these certificates were called scrip.

Q Did any of your ancestors receive any such scrip from the Government as Choctaw Indians? A I never heard of it if they did.
Q Have you any documentary evidence or any proof of any kind that you want to present now? A No sir; not with me.

Time is allowed this applicant to present proper proof, if presented under the rules of the Commission.

Q Have any of your relatives been here for identification before this Commission? A I think not.
Q Do you speak the Choctaw language? A No sir. Not to do any good; I used to talk it when I lived in Mississippi, but I can't now.

This applicant has the appearance and physical characteristics of a person descended from white parentage; brown eyes, medium dark complexion, dark brown hair, lighter brown mustache. He does not understand the Choctaw language and has no knowledge of the compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of 1830.

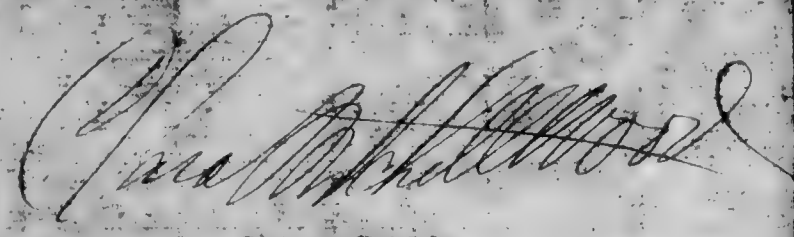
-:-:-:-:-

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the five Civilized Tribes he reported in full all proceedings had in the above entitled cause on January 17, 1902, and that the above and foregoing is a full, true and cor-

read transcript of his stenographic notes in said cause on said date.

Henry B. Kaiser

Subscribed and sworn to before me this 22nd. day of January, 1902.

A large, stylized handwritten signature in dark ink, likely belonging to the Notary Public.

Notary Public.

*M. W.
C. W.*

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of John J. Boon, et al., for
identification as Mississippi Choctaws, M.C.R. 4531.

— DECISION —

It appears from the record herein that application for
identification as Mississippi Choctaws was made to this Commission
by John J. Boon for himself and his minor child John F. Boon,
under the following provision of the act of Congress approved June
28, 1902 (32 Stat., 498):

"Said Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw
lands under article fourteen of the treaty between the United
States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, and to that end may ad-
minister oaths, examine witnesses, and perform all other acts
necessary thereto and make report to the Secretary of the
Interior."

It also appears that both of said applicants claim rights
in the Choctaw lands under article fourteen of the treaty between
the United States and the Choctaw Nation, concluded September
twenty-seventh, eighteen hundred and thirty, by reason of being des-
cendants of one Dennis Lavoiter who is alleged to have been a full
blood Choctaw Indian.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission that neither of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Bennie Lassiter, or ancestors less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1857 (5 Stats., 180) and August 21, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John J. Boon and John P. Boon as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application

-3-
for their identification as such should be refused, and it is so
ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Tamie Dixby.

Acting Chairman.

(SIGNED)

T. B. Neill.

Commissioner.

(SIGNED)

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory,

OCT 25 1902

Miss. Chas. 4381

Washoe, Indian Territory, July 13, 1908.

Mr. John J. Bean,
Almira, Tenno,

Dear Sir:

Receipt is hereby acknowledged of your letter of June 30, 1908, in which you request that you be allowed until July 30, 1908, in which to introduce additional testimony in support of the application made by you for the identification of yourself and your minor son as Mississippi Cheaters.

In reply you are advised that you will be allowed until the date named to introduce testimony in support of your claim.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, October 25, 1902.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
Muskogee, Indian Territory.

Gentlemen:-

You are hereby advised that on the 25th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of John J. Boon, et al., applicants to the Commission for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John J. Boon and John P. Boon as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to

M. McM. & C. 2

file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior.

Respectfully,

(SIGNED).

C. R. Breckinridge.
Commissioner in Charge.

COPY. M.C.R. 4531.

Muskogee, Indian Territory, October 25, 1902.

John J. Boon,
Almira, Texas.

Dear Sir:-

You are hereby advised that on the 25th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of John J. Boon, et al., applicants to the Commission for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John J. Boon and John P. Boon as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the

J. E. D. --- B

case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Registered.

C. R. Breckinridge.
Commissioner in Charge.

Muskogee, Indian Territory, November 11, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted, herewith, the record in the case of John J. Boon, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 25, 1902.

The Commission has the honor to report that the principal applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED).

James E. Hoby.

Acting Chairman.

Through the
Commissioner of Indian Affairs.

Enc. M. C. R. 4531

(COPY)

Land
68305--1902.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,

Washington, February 4, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to submit herewith, for your consideration, the record of the Commission to the Five Civilized Tribes in the matter of the application for identification as Mississippi Choctaws of John J. Boon, for himself and his minor child, John P. Boon, wherein a decision adverse to the applicants was rendered by the Commission on October 25, 1902.

The testimony in this case shows that the applicants base their claim to identification as Mississippi Choctaws under this application because of their descent from Bennie Lassiter. The applicants claim that their ancestor was a Choctaw Indian and a resident of the Choctaw Nation in Mississippi, at the time of the making of the Choctaw treaty of 1830.

The Commission rejected the applicants because the name of their ancestor through whom they claim did not appear among the names of those who complied or attempted to comply with the

provisions of the 14th article of the Choctaw treaty of 1830, and for the additional reason that the applicants had never been enrolled as citizens of the Choctaw Nation.

An examination has been made of the records of this office with reference to the name of Bonnie Lassiter, and it is discovered that his name does not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

This being the case it is evident that the decision of the Commission rejecting the applicants was correct, and I concur in that finding and recommend that it be approved.

Very respectfully,

A. C. Tonner,
Acting Commissioner.

E. B. H. (E.)

D.C.No.5264-1903.

(COPY)

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

MAF.

ITD.1238-1903.

February 19, 1903.

L R S

Commission to the five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

November 11, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws of John J. Boon and his minor son, John P. Boon, including your decision of October 25, 1902, adverse to the applicants.

The applicants claim to be descendants of one Bennie Lassiter who is alleged to have been a full blood Choctaw Indian.

The records fail to show that the applicants were ever admitted or enrolled as citizens of the Choctaw Nation, or that said Bennie Lassiter or an ancestor less remote complied or attempted to comply with article 14 of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513).

Reporting February 4, 1903 the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department has carefully considered the record and, finding no reason to disturb your decision, hereby affirms the same.

Respectfully,

(Signed)

Thos. Ryan,

Acting Secretary.

1 inclosure.

M.O.R. 4531.

Muskogee, Indian Territory, March 5, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 19th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of John J. Boon, et al., of which decision you were advised by mail on the 25th day of October, 1902.

Respectfully,

Tams Dixby.

Chairman

No. 4531

For Identification as a Mississippi Choctaw.

Date JAN 1 1900

Name John J. Boon

Age 49 Blood $\frac{1}{8}$

Post Office, Almira, Texas,

Father; Martin Boon. d

Mother; Mary P. " d

Claims through father.

Elizabeth Boon. l. w.

No claim for wife.

Children:

John P. Boon. 13

Claims for self &
children

Choctaw MCR 4532

Laura A. Ray

See MCR 3800

MCR 4532

4532

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, January 16, 1902.

In the matter of the application of Laura A Ray for the identification of herself and six minor children, Veva M., Junia V., Burtrom L., Jephth a W., Lucy J., and Ethel F., Ray, as Mississippi Choctaws. J. E. Arnold, Attorney for applicants.

Laura A. Ray, having been first duly sworn, upon her oath, testified as follows:

Examination by the Commission.

- Q What is your name? A Laura A. Ray.
Q How old are you, Mrs. Ray? A I am thirty one.
Q How much Choctaw blood have you? A I have one-eighth.
Q What's your post office address? A Bowman, Tate County, Mississippi.
Q How long have you lived in Tate County? A Thirty one years.
Q All your life? A Yes, sir.
Q Is your father living? A No, sir, my father's dead.
Q What was his name? A Jephth a V. Walker.
Q How long has he been dead? A He has been dead seventeen years.
Q About how old would he be if he were living now? A Well, he was seventy one when he died; he has been dead seventeen years.
Q Did you get your Choctaw blood through your father or your mother?
A Through my father's side. He would be somewhere near 100 years.
Q Did he always live here in Mississippi? A Yes, sir; well, he emigrated here in an early day.
Q From where? A From Georgia at an early day.
Q Do you know about how old he was when he came here? A He was about twenty one.
Q Was he born in Georgia? A Yes, sir.
Q And lived there --? A He left Georgia --
Q Until he came to Mississippi? A Yes, sir, somewhere near twenty one, or twenty two.
Q In what part of Georgia did he live? A I don't just remember exactly, somewhere --.
Q You claim he was one-fourth Choctaw blood? A No, sir, I claim that he was one-half.
Q Did your mother have any Choctaw blood? A No, sir, I was one-eighth.
Q I don't see how you figure that out? A He was a quarter.
Q That makes it right; you claim he was a Quarter Choctaw? A Yes, sir, he was a quarter.
Q Through which one of his parents did he get his Choctaw blood?
Q His mother, Sarah Booth.
Q Where did Sarah Booth live? A Well, they emigrated from Alabama.
Q To what place? A To Mississippi, I think.
Q Didn't she live in Georgia too? A I don't know just about how long; I think my father emigrated there - I think that he was -- I knew that he did live in Georgia; I don't know whether he was emigrated there or not, but my fore-parents emigrated in -- that is, Sarah Booth emigrated in Alabama and came to Georgia at an early

Laura A. Ray, et al., 2.

day, but I don't know how long they stayed there.

Q Was your father's mother born in the State of Alabama? A I don't remember.

Q Do you know when she lived in Alabama? A I do not.

Q Do you know when she lived in Georgia? A No, sir, I don't know, but very little, about my father's people; I was quite small, and it is just a faint idea that I remember.

Q Did I understand from your statements your father's parents lived in Alabama before they lived in Georgia; is that correct?

A Well, I don't know whether they did or not.

Q Well, then, how did you get the idea that they came from Alabama to Mississippi, when your father came from Georgia to Mississippi?

A Well, they must have emigrated in Alabama and come to Georgia, and left Georgia at an early day - the best I can remember - and come west to Mississippi - my father did.

Q You claim that Sarah Booth was a half blood Choctaw? A Yes, sir.

Q Did you ever see Sarah Booth? A No, sir, I never saw her.

Q Where did she die? A I don't just remember where she died.

Q You don't know whether she was living in this State at the time of her death? A No, I don't know.

Q Did she have a Choctaw name? A I don't know much about the Choctaw language; she was Sarah Booth.

Q Well, the Choctaws in these days - about the time she was living - they all had Choctaw names; some of them had English names too. I want to know whether she had a Choctaw name? A I don't remember; I never heard, at least.

Q Through whom did she get her Indian blood? A Through her father.

Q What was his name? A John B. Booth.

Q And John B. Booth, according to your testimony, was a full blood Choctaw Indian? A Yes, sir.

Q Did he have a Choctaw name? A I don't know anything about him at all, but very little as I told you that I know about father's people.

Q You never saw him? A No, sir, I never saw him.

Q Do you know anything about where he lived during his life time - John B. Booth? A No, sir, I don't remember.

Q Did you ever hear that your people were Cherokee Indians - had Cherokee blood? A No, sir, never heard anything of the kind.

Q Did John B. Booth ever live over in Georgia? A I don't know, sir.

Q What was the name of Sarah Booth's mother? A Well, I don't remember her name, but it seems, though, to me that her name were Sarah Booth, but I won't be positive.

Q She was a white woman, was she? A Yes, sir; of course, her name was Sarah Booth, but I don't know what it was before she married.

Q What was the name of your father's father? A George.

Q George Booth? A My father? I don't know.

Q Your father's mother? A My father was a Walker; you see he inherited his Indian blood through his mother.

Q What was his name? A George Walker.

Q What's the name of your mother? A Lucy A. Walker.

Q She was a white woman, and had no Indian blood? A Yes, sir, she was a white woman and had no Indian blood at all.

Q Is she living now? A Yes, sir.

Q Your father and mother lawfully married? A Yes, sir.

Q What evidence have you of that fact? A I have eye witnesses to it.

Q Do you know whether John B. Booth and his wife were lawfully married? A No, sir, I don't know; I suppose they were.

Q Have you any evidence of that fact? A No, sir.

Laura A. Ray, et al., 3.

Q Do you know how many children they raised? A No, sir, I don't know exactly how many children they raised.

Q Are you married? A Yes, sir.

Q What's your husband's name? A Willie H. Ray.

Q Has he any Choctaw blood? A No, sir.

Q You make no claim for him, then? A No, sir.

Q Have you been married more than once? A No, sir.

Q Has he? A No, sir.

Q How many children have you living under age? A Six.

Q What are their names and ages? A Veva M.

Q How old? A Fifteen.

Q Next one? A Junia V. Ray.

Q How old is she? A Fourteen.

Q Next one? A Burtrom L.

Q That's a boy? A Yes, sir.

Q How old? A Twelve.

Q Next one? A Jephth a W.

Q How old is he? A Eight years old.

Q Next one? A Lucy J.

Q How old? A Six.

Q Next one? A Ethel F.

Q How old is Ethel? A She's three years old.

Q That's all? A Yes, sir.

Q Are these children all living with you at this time? A What was the question?

Q Are these children all living with you at this time? A Yes, sir.

Q They are all the children of yourself and Willie H. Ray? A Yes, sir.

Q This application is for yourself and six minor children? A Yes, sir.

Q Is your name, or the name of any one of these children, to be found upon any of the Choctaw tribal rolls in Indian Territory? A No, sir.

Q Did you ever make application for yourself or any of these children to the Choctaw tribal authorities in Indian Territory to be admitted or enrolled as members of that tribe? A No, sir.

Q Did you, in the year 1896, make application to this Commission for citizenship in the Choctaw Nation for yourself or any of these children? A I did not.

Q Is this the first application of any description you have made for yourself or any of these children? A It is.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and six minor children under article 14 of the treaty of Dancing Rabbit Creek? A I do.

This treaty of Dancing Rabbit Creek was entered into here in Mississippi between the Choctaw tribe of Indians, and the Government of the United States on the 27th day of September, 1830.

Q Are you familiar with this treaty, and the 14th article; do you understand it thoroughly? A I don't know that I do.

The object of the treaty was to get these Indians to move from the country occupied by them here in Mississippi and

Laura A. Ray, et al., 4.

Alabama to a new country west of the Mississippi River, a part of which is now occupied by the greater portion of the Choctaw tribe, and is known as the Choctaw Nation, Indian Territory. At the time the treaty was made, some of the Indians were unwilling to leave this country, and for the benefit of those who preferred to stay here, that is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who preferred to stay here in Mississippi, might receive land here in Mississippi from the Government. It is as follows:

"Each Choctaw head of a family, being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by additional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you think you understand that 14th article now? A Yes, sir, I reckon I do.

Q Did any of your ancestors ever comply or attempt to comply with its provisions, or ever receive any benefits under that article?

A What was the question you asked.

Q Did any of your ancestors ever comply or attempt to comply with its provisions, or ever receive any benefits under that article?

A I don't know that they did.

Q Did any of them live here in Mississippi in 1830, when this treaty was made? A Well, I don't know.

Q Were any of them recognized members of the Choctaw tribe here at that time? A I don't know that either.

Q Did any of them remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A My grand mother was enrolled there.

Q Well, now, here in the question; did they move from this country out west to the new country? A I don't know.

Q You don't know about that? A No, sir, I don't know.

Q Did you ever hear of any of them having been in Indian Territory? A No, sir; I don't know that I did, only when she enrolled there, I reckon somewhere in 1830, or enlisted, I suppose. She enrolled between 1830 and 1834.

Laura A. Ray, et al., 5.

Q What makes you think that? A Well, I have been taught it that she enrolled there.

Q In Indian Territory at that time? A I don't - well I suppose so; I don't know where she enrolled at.

Q Did any of your ancestors, within six months after this treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi, for the Choctaws, know they wanted to stay here and become citizens of the States? A I don't know.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A If they did, I never heard of it.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under any other article of that treaty, or under the supplement to that treaty? A Not that I know of. If they did, I never heard of it.

Q So far as you know, were any of your ancestors ever recognized members of the Choctaw tribe of Indians? A I don't know.

Q Did any of them ever receive any benefits as such? A If they did, I never heard of it.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land under that 14th article. The records of the Government show that this agent failed to register and report to the Government the names of many Choctaws who did in fact let him know that they wanted to stay here, and on this account, the Government at its public land sales here in Mississippi, when they sold all of this country that they got from the Choctaws, in many instances, sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under article 14 of the treaty. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed an Act which was approved on the third day of March, 1837, providing for the appointment of a commission to come down here to Mississippi and hear the cases of Choctaws who claimed they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. This commission was duly appointed by the President of the United States and the commissioners came down here and heard a few of these Choctaw cases, but in the time allowed these commissioners by the Act of Congress under which they were appointed, and a later Act of Congress approved on the 22nd day of February, 1838, providing for the continuance of the commission, they were unable to dispose of but a comparatively small number of these cases. It, therefore, became necessary for Congress to make further provisions by which the remainder of these Indians might be given hearings, so another Act was passed which was approved on the 23rd day of August, 1842, providing for the appointment of another commission to come down here to

Laura A. Ray, et al., 6.

Mississippi and finish up these Choctaw cases. This commission was duly appointed by the President of the United States and the commissioners came down here to Mississippi in the forties, and heard a great many more of these cases.

Q Did any of your ancestors appear before either of these commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A Not that I know of.

The Act of Congress approved August 13, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select land ~~in~~ in the place of this land that the Government had sold, land someplace else in Mississippi, or over in Alabama, down in Louisiana, or over in Arkansas from vacant Government land, and that he should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any of this scrip from the Government of the United States under this Act of Congress? A No, sir.

Q Your father was living in 1830, was he not? A Yes, sir.

Q You don't know where he was living at that time? A No, sir, I don't know where he was living at that time, but in Mississippi, I suppose.

Q Do you know of any one living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No, sir.

Q Don't know of any person? A No, sir.

Q Have you any witnesses here to-day? A Yes, sir.

Q How many? A One.

Q What's her name? A Ada D. Williams.

Q Is she any relation to you? A Very little.

Q What relation is she? A She is a cousin of mine.

Q What do you expect to prove by her? A Sarah Booth.

Q Prove what? A Who do you want --

Q What do you expect to prove by her? A That Sarah Booth was my grand mother.

Q Have you any other witnesses whom you want to introduce later?

A I have some relatives living in Indian Territory who have heretofore appeared before the Commission, Montezuma V. Walker, Jabers N. Walker and Malcolm E., Jeff E., and J.W. Lipsey, who are at work securing evidence in support of their applications, and I desire the evidence offered in their cases, considered in my case. Montezuma Walker is my brother.

Q You have no evidence that you desire to offer here in Mississippi? A No, sir.

Laura A. Ray, et al., 7.

If you should find any further witnesses whose testimony you desire to offer in support of your application, the witnesses may appear before the Commission here at Meridian before the 15th of next month, or within a reasonable time thereafter at the General office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q How many brothers have you living? A Have five.
Give us their names, please? A Montezuma Walker.
Q Next one? A Will J. Walker.
Q Next one? A Jabers Walker, Jephtha L. Walker, Henry Walker.
Q Where do these brothers live? A One of them lives in the Indian Territory.
Q Montezuma? A No, sir, Jabers. I don't hardly know, Montezuma might be there at this time.
Q Where do the others live? A Will Walker lives in Tate County, Mississippi, Jephtha Walker lives at Hickory Flat, Mississippi, and Henry Walker lives at Independence, Mississippi.
Q Have you any sisters living? A Yes, sir.
Q How many? A Five.
Q What are their names? A They are Junia Gordon.
Q Where does she live? A She lives at Independence, Tate county, Mississippi.
Q Next one? A Sallie Eavenson. She lives at Independence, Mississippi.
Q The next one A L. Nola Crenshaw, she lives in Calhoun, Mississippi.
Q Next one? A And Mattie Blass, Memphis, Tennessee, and Cornelia Blair, she lives at Independence, Mississippi.
Q That all of your sisters now? A Yes, sir.
Q Have you any brothers or sisters dead? A Yes, I have a sister that dead.
Q Did she leave any children? A She has one child.
Q Is that child living? A Yes, sir.
Q What's its name? A Vinon Ingram.
Q With whom does that child live? A Its father.
Q What is his name? A Henry Ingram.
Q Where does he live? A At Independence, Mississippi. I have two half sisters dead.
Q Were they children of Jephtha V. Walker? A Yes, sir.
Q Did either of them leave children? A Yes, sir. They both left children.
Q Are those children living now? A Yes, sir, they are living. Those children of my sisters you are speaking of?
Q Your half sisters' children? A Yes, sir, they are living. I will name them. Martha Ann Elizabeth Bean.
Q Now, what are the names of her children who are living? A Follie House.
Q Where does she live? A At Senatobia, Mississippi.
Q Next one? A Lonnie G. Dean.
Q Where does he live? A Shaw, Mississippi.
Q Next one? A David W.
Q Where does he live? A Shaw, Mississippi.
Q Next one? A That's all.
Q Now, what's the name of the other half sister? A Nannie Sanders.

Laura A. Ray, et al., 8.

Q How many of her children are living? A Four of them, I think, is living.

Q Give us their names? A Tucker Sanders.

Q Where does he live? A I couldn't tell you where he is at.

Q Where did he live when you last heard from him? A Little Rock, Arkansas.

Q When did you hear from him last? A I haven't heard from him in several years.

Q What is the name of the next one? A Walker Sanders.

Q Next one? A Corlottie Lee.

Q Where does she live? A Little Rock.

Q Next one? A Annie.

Q Annie what? A Sanders.

Q Where does she live? A At Little Rock.

(This applicant has the appearance of being a white woman, and shows no indication of being possessed of Indian blood. She does not speak or understand the Choctaw language.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 16th day of January, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. S. Streit

Subscribed and sworn to before me at Meridian, Mississippi, this 17th day of January, 1902.

L. B. Mosley
Clerk U. S. Circuit Court,
Southern District of Mississippi.

By *[Signature]*

Deputy.

COPY.

M.O.R. 4532.

Washburn, Indian Territory, July 29, 1903.

Laura A. Ray,

Washburn, Mississippi.

Dear Madam:

You are hereby notified that on the 1st day of July, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John W. Lipsey, et al., of which decision you were advised by registered mail on the 19th day of February, 1903.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

COMMISSIONERS

HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

COPY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 4632.

MUSKOGEE, INDIAN TERRITORY, February 19, 1903.

Laura A. Ray,

Bowman, Mississippi.

Dear Madam:

You are hereby advised that on the 19th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John W. Lipsey, et al., embracing the following applications for identification of Mississippi Choctaws:

John W. Lipsey,	M. C. R. 3800
Mattie Alva Mason, et al.,	M. C. R. 3494
George W. Ellis, Sr., et al.,	M. C. R. 4698
William E. Ellis, et al.,	M. C. R. 5545
Itasca M. Coles, et al.,	M. C. R. 5547
John J. Ellis, sr., et. al.,	M. C. R. 5546
Maggie Wiles,	M. C. R. 5548
Joshua J. Ellis,	M. C. R. 5549
Charlie O. Ellis, et al.,	M. C. R. 5348
Walter H. Ellis,	M. C. R. 5349
Dora Gertrude Ellis Hargus, et al.,	M. C. R. 5393
Bersheba J. Burford,	M. C. R. 4617
Lillian C. House,	M. C. R. 4751
Peyton M. Self, et al.,	M. C. R. 4616
Marancy A. Dean,	M. C. R. 4749
Mattie J. Myers, et al.,	M. C. R. 5318
Lelia E. Myers,	M. C. R. 5319
Texana Tibbs,	M. C. R. 5320
Charles E. Walker, et. al.,	M. C. R. 5414
Mary E. Brown, et al.,	M. C. R. 5415
John S. Walker, et al.,	M. C. R. 5417
Henry S. Walker, et al.,	M. C. R. 5418
Kate R. Coker,	M. C. R. 5416
Ada D. Williams,	M. C. R. 4533
Ann J. Garrard,	M. C. R. 5413
Cornelia R. Blair,	M. C. R. 4538
Nellie D. House, et al.,	M. C. R. 4750
Leonidas G. Dean, et al.,	M. C. R. 4540
David W. Dean,	M. C. R. 4534

Walker Sanders,	M. C. R. 5000
Montezuma V. Walker, et al.,	M. C. R. 4319
Malcolm E. Walker,	M. C. R. 4326
Jeff E. Walker,	M. C. R. 4327
William J. Walker, et al.,	M. C. R. 4615
Junia T. Gordon, et al.,	M. C. R. 4539
Jabers N. Walker,	M. C. R. 3795
Sarah E. Eavenson, et al.,	M. C. R. 4537
Jeptha L. Walker, et al.,	M. C. R. 4536
Laura A. Ray, et al.,	M. C. R. 4532
Mattie Blass,	M. C. R. 4535

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495) which is as follows :

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows :

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John W. Lipsey, Mattie Alva Mason, Wilma Mason, John Lipsey Mason, William B. Mason, George W. Ellis, sr., George W. Ellis, jr., Annie Louise Ellis, Henry Ellis, William E. Ellis, Lou Ellen Ellis, George W. Ellis (3), Floy G. Ellis, Itasca M. Coles, George Warren Coles, Howard Smith Coles, Elijah Coles, jr., John J. Ellis, sr., Pearl Warren Ellis, John J. Ellis, jr., Lucille H. Ellis, Maggie Wiles, Joshua J. Ellis, Charlie O. Ellis, James Ellis, Anna Ellis, Maggie Ellis, Eva Ellis, Mart Ellis, Walter H. Ellis, Dora Gertrude Ellis Hargus, Otis LeRoy Hargus, John Reed Hargus, Mary Lois Hargus, Bersheba J. Burford, Lillian C. House, Peyton M. Self, Willie E. Self, Lillian G. Self, Marancy A. Dean, Mattie J. Myers, Fred Myers, David Roy Myers, Iona Myers, Lelia E. Myers, Texana Tibbs, Charles E. Walker, John W. Walker, Saxton Walker, Mary E. Brown, Robert M. Brown, Florence Brown, Walter Brown, Ethel Brown, Edith Brown, John S. Walker, Rosa R. Walker, Mary S. Walker, Henry S. Walker, Henry S. Walker, jr., George D. Walker, Kate R Coker, Ada D. Williams, Ann J. Garrard, Cornelia R. Blair, Nellie D. House, Sam L. House, Nell House, Edna House, David L. House, Mabel House, Leonidas G. Dean, David W. Dean, Walker Sanders, Eulalia A. Sanders, Avinell Y. Sanders, Walker V. Sanders, Montezuma V. Walker, Sarah C. Walker, Malcolm E. Walker, Jeff E. Walker, William J. Walker, Florence J. Walker, William V. Walker, Kittie L. Walker, Caswell C. Walker, Jeptha B. Walker, Talbert H. Walker, Robert O. Walker, Claudie E. Walker, Junia T. Gordon, Edward W. Gordon, Willie D. Gordon, Junia A. Gordon, Robert N. Gordon, Floy Gordon,

Henry W. Gordon, Sallie I. Gordon, Lennie L. Gordon, Montie L. Gordon, Jabers N. Walker, Sarah E. Eavenson, Clarence L. Eavenson, Alfred V. Eavenson, Thomas E. Eavenson, Lenora E. Eavenson, Earnest W. Eavenson, Montezuma Eavenson, Katie B. Eavenson, George C. Eavenson, Dora A. Eavenson, Hecta B. Eavenson, Jephtha L. Walker, Charles L. Walker, Jephtha V. Walker, Edward D. Walker, William T. Walker, Laura A. Ray, Veva M. Ray, Junia V. Ray, Burtrom L. Ray, Jephtha W. Ray, Lucy J. Ray, Ethel F. Ray and Mattie Blass as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Registered.

(SIGNED)

Samuel D. Loring

Acting Chairman.

1626

No. 4532

For Identification as a Mississippi Choctaw.
Meridian, Miss.

Date JAN 16 1902

Name Laura A. Ray

Age 31

Blood 1/8

Post Office, Bowman, Miss.

Father: Jephtha V. Walker d

Mother: Lucy A. Walker L

Claims through father
husband Willie H. Ray (white) L
(no claim for husband.)

Children:

Vera M	Ray	15
Junia V.	"	(F) 14
Burtrom L.	"	(M) 12
Jephtha W.	"	8
Lucy J.	"	6
Ethel J.	"	3

Stenographer

R. S. Street.

Choctaw MCR 4533

Ada D. Williams

See MCR 3800

MCR 4533

45-33

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, January 16, 1902.

In the matter of the application of Ada D. Williams for
identification as a Mississippi Choctaw. J.E. Arnold, Attorney for
the applicant.

Ada D. Williams, having been first duly sworn, upon her
oath testified as follows:

Examination by the Commission.

- Q What is your name? A Ada D. Williams.
Q How old are you? A I am sixty six.
Q How much Choctaw blood do you claim to have? A I claim one-
eighth.
Q What's your post office address? A Louisville, Kentucky.
Q What is your local address? A 1402 Garvin Place.
Q How long have you lived in Louisville? A Six years.
Q Where did you live before that? A I lived in southwest Georgia;
I lived in Americus, Georgia.
Q How long did you live there? A I didn't live there over two
years; I lived in Atlanta prior to that.
Q How long did you live in Atlanta? A Three years.
Q Where did you live before that? A Why, I lived in Griffin,
Georgia.
Q How long there? A About two years.
Q Where before that? A I lived in East Tennessee.
Q How long? A Two years.
Q Where before that? A I lived in Atlanta, Georgia; I went there
for my husband's health.
Q How long did you live in Atlanta before you went to East Tennes-
see? A I lived there four years.
Q Before that, where did you live? A I lived in New York a while; I
have lived in so many places, I will have to get a memorandum.
Q Where did you live in Mississippi, Mrs. Williams? A I never lived
in Mississippi until I came here this time. My relatives lived
here, but I didn't; I lived in Eufaula, Alabama, after I was married
to my husband.
Q Where were you born? A I was born in Maryville County, Georgia.
Q About how long did you live there before you left? A Well, my
father lived there about thirteen years, and he afterwards moved to
Telbert County, Georgia.
Q You have lived in Georgia, then, the majority of your life?
A I was born and raised in Georgia.
Q Is your father living? A No, sir; he is dead.
Q What was his name? A William Booth Walker.
Q How long has he been dead? A He died in 1884.
Q About how old was he at the time of his death? A He was eighty
Q Where was he living at the time of his death? A Fort Gaines,
Georgia.
Q Did he live there continuously from the time of your birth to the

Ada D. Williams, 2.

time of his death? A No, sir, he lived at several places during my time.

Q Do you know where he was born? A He was born near Clinton, Jones County, Georgia.

Q Through which one of his parents did he get his Choctaw blood? A His mother.

Q What was her name? A Sarah Booth.

Q Do you remember her? A Why, yes, I remember her.

Q How long has she been dead? A She died in '64.

Q According to your statements, Sarah Booth was one half Choctaw, is that correct? A Why, I said she was one-quarter Choctaw. My great grand father was a half Choctaw.

Q What was his name? A John Booth, and known as Black John Booth, because he was so dark and such straight hair.

Q Well, he was a half blood then? A Well, I think he was a half blood.

Q Well, which one of his parents was an Indian? A I don't know any further back than my great grand father, John Booth.

Q Did you ever see him? A No, sir, he was dead. He would have been two hundred years old, nearly.

Q If he were living now? A If he was living now.

Q Describe Sarah Booth's personal appearance as near as you can?

A Well, she was a short, fleshy woman; she had raven black hair; it was black as silk, my father used to say, before it turned gray - that it was very black. She had rather yellow skin, and dark eyes.

Q What were her features? A She had high cheek bones.

Q Do you know where she lived during her life? A No, I never knew her until I was grown nearly. She went from Alabama to Georgia.

Q About when was that? A I think she was about fifteen years old when she went there.

Q Do you know where she lived in Alabama? A I don't know exactly the place.

Q Did she speak or understand the Choctaw language? A She said she did. She used to jabber it to us, but I don't know whether it was Choctaw or not.

Q You wouldn't recognize the Choctaw language? A No, sir.

Q Did your father speak or understand the Choctaw language? A No, sir, he didn't.

Q Do you know where Sarah Booth was living seventy one years ago?

A She lived in Jones County, Georgia.

Q Where was your father living at that time? A Well, he was living at Wams Springs, Georgia.

Q That was about five years, now, prior to your birth, and you think they were living there in Georgia at that time? A Yes, I knew they were; I was born in Georgia.

Q Did Sarah Booth ever have an Indian name? A I don't know; I never heard of any.

Q Did John Booth ever have any Indian name, except Black John? A No, I don't think he did. I never heard of any name for him.

Q You have always understood that your father, and his mother, were Choctaw Indians - had Choctaw blood? A They told me so, and I have always understood it that way.

Q You are sure it wasn't Cherokee? A No, I know it wasn't Cherokee.

Q Is your mother living? A No, my mother's dead long ago.

Q What was her name? A She was Delphia M. Clay; she was a cousin to the statesman, Henry Clay.

Q Did she have any Indian blood? A No, sir, she was very light, and very fair, with light blue eyes; that's who we take our light

Ada D. Williams, 3.

blue eyes from.

Q Are you married at this time? A I am a widow.

Q Have you any children living who are under age? A No, sir, never had but three children, two sons and one daughter.

Q Are any of them living now? A Yes, sir, they are all living.

My sons - one's in Alaska, and the other is in Mexico, and my daughter is in Louisville, Kentucky.

Q What are the names of your sons? A Lewis Williams, and J. Sidney Williams.

Q What's the name of your daughter? A Florence W. Cooper.

Q None of them have been before the Commission? A No, sir; she wants to come, but I don't know that she will come. My sons are too far away.

Q Have you been married more than once? A No, sir.

Q This application is for yourself only? A Yes, sir.

Q Is your name on any of the Choctaw tribal rolls in Indian Territory? A No, I know it is not.

Q Did you ever make application to the Choctaw tribal authorities to be enrolled or admitted as a member of that tribe? A No, never have made any application before to-day.

Q This is the first application of any kind? A Yes, sir.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under article 14 of the treaty of Dancing Rabbit Creek? A I do.

Q You understand that 14th article of the treaty of Dancing Rabbit Creek? A I hope to be able to get there.

Q Do you understand that 14th article, Mrs. Williams? A I don't know that I do clearly, I have heard it two or three times; I understand it pretty well, not verbatim.

Q You understand its provisions all right, you think, -thoroughly?

A Yes, I think I understand it all right.

Q Did any of your ancestors ever comply or attempt to comply with its provisions, or ever receive any benefits under that 14th article? A Never.

Q Were any of them living here in the old Choctaw Nation, in Mississippi and Alabama, in 1830, when this treaty was made; that was over seventy one years ago? A Well, I think that they were.

Q Where do you think they were living seventy one years ago? A Well, I think my grand mother was living there in Mississippi, or Georgia; I rather believed she lived in Georgia at that time.

Q Now, your father, you think, lived over there at that time?

A Yes, sir, I know my father lived there.

Q Were either of them recognized members of the Choctaw tribe of Indians at that time, seventy one years ago? A Well, I don't think they were ever recognized members of the tribe. My grand mother - my father said my grand mother applied for she was enrolled; I have heard him say she was enrolled, and I don't know, I suppose it was in Mississippi that she enrolled.

Q She was enrolled, but you don't know what he meant by that, do you? A Well, I suppose it was just what we are doing now; we have come to enroll.

Q Did you ever hear him say where she was enrolled? A No, I don't remember to have heard him say; I was born in '35. All that took place before that time, I don't know much about; that's what I have heard.

Q Well, now, did any of your ancestors remove from the old Choctaw Nation to the new Choctaw Nation, Indian Territory, between the years 1833 and 1838? When the main part of the tribe moved out

Ada D. Williams, 4.

there? A Well, I don't know when that was.

Q Well, no, that was about the time you were born? A Well, some years after that, I had two cousins to go west, Zach Booth and Tap; they were relatives of ours.

Q Where did they go? A I don't know where they went; they went somewhere in the west.

Q About how old were you when they moved out there? A I was about twelve years old. I remember them coming to my father's house and spending the day and night, and I heard them talking about it.

Q Did you understand that the Government was moving out there with the Choctaws? A No, the Government was n't moving them.

Q They were going west on their own accord? A Yes, sir.

Q These were the only ancestors, or relatives, you knew of going out there? A I had a relative just a year or two before the war going west; the last I heard of them they were in Little Rock, Arkansas, and after the war was over they went west, and I don't know where they went.

Q Did any of your ancestors, within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi for the Choctaws know they wanted to stay here in Mississippi and become citizens of the States and take land? A Why?

Q Did any of them, within six months from the 24th of February, 1831, the time the treaty was ratified, let the agent of the Government here in Mississippi know they wanted to stay here and become citizens of the States? A Well, I don't know; I think my grand mother wanted to take land here, but I don't know whether she ever got it or not.

Q That was Sarah Booth? A Yes, sir.

Q How did you get that idea? A I don't know; I have only a vague idea now. I don't know how I got the idea; just from hearing people talk, but its been so long, and its dim in the distance for me now.

Q But you don't know whether it was under this 14th article, or whether she went to the agent to let him know, or not? A No, I don't know.

Q Do you know whether she ever claimed or received any land here in Mississippi from the Government under article 14 of the treaty of Dancing Rabbit Creek? A I know she didn't receive any.

Q Did any one of your ancestors ever receive any? A No, I don't know that they did.

Q Did they ever receive any land from the Government under any other article of that treaty? A No.

Q Or under the supplement to the treaty? A No.

Q Then, so far as you know, none of your ancestors ever got any land from the Government of the United States here in Mississippi?

A I don't know that they did. I never heard of it.

Q Did any of them ever get any money from the Government? A No.

Q Were any of them ever recognized members of the Choctaw tribe of Indians? A No, I don't know. I know they were not.

Q Did any of them ever receive any benefits as such? A I know they didn't.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register and report to the Government the names of any such Choctaws as might desire to remain here and become citizens of the

Ada Williams, 5.

States and take land. The records of the Government show that this agent failed to register and report to the Government the names of many Indians who did in fact let him know that they wanted to stay here and become citizens and take land, and on this account, the Government at its public land sales here in Mississippi in many instances sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under article 14 of the treaty. This caused a great deal of complaint among the Choctaws, and the matter was finally brought to the attention of Congress, and Congress passed an Act which was approved on the third day of March, 1837, providing for the appointment of a commission to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. This commission was duly appointed by the President of the United States and the commissioners came down here to Mississippi and heard a few of these Choctaw cases, but in the time allowed them by the Act of Congress under which they were appointed, and a later Act of Congress which was approved on the 22nd day of February, 1838, providing for the continuance of the Commission, they were unable to dispose of but a comparatively small number of these cases. It, therefore became necessary for Congress to make further provisions by which the remainder of these Indians might be given hearings, so another Act was passed which was approved on the 23rd day of August, 1842, providing for the appointment of another commission to come down here and finish up this work. This commission was duly appointed by the President of the United States, and the commissioners came down here to Mississippi in the forties and heard a great many more of these Choctaw cases.

Q Did any of your ancestors appear before either of these commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A I don't know that they did; never heard it.

Q Did you ever hear of this commission before you came before this commission? A Yes, I have heard of them.

Q You have heard of them before? A Yes.

Q But you don't know that any of your ancestors went before them?

A No, I never heard that they did.

Q

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that ~~that~~ his land had been sold by the Government, he should be entitled to select land in lieu thereof elsewhere in Mississippi, or Louisiana, or Alabama, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any of this scrip from the United States Government under this Act of Congress? A I never heard

Ada D. Williams, 5.

if they did, and I don't know that they did.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits under that article? A I don't know anybody in this country that is older than I am.

Q You don't know who would? A No, sir.

Q Have you any witnesses here to-day? A No, I haven't any witnesses, but those that have already appeared.

Q You mean ~~the~~ your relatives who have appeared before the Commission already? A Yes, sir.

If you should find any witnesses whose testimony you desire to have taken by the Commission, they may appear before the Commission here at Meridian before the 15th of next month, or within a reasonable time thereafter at the General office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Have you any brothers or sisters living? A I have one brother and one sister.

Q What's the name of your brother? A George Walker.

Q Where does he live? A He lives in Little Rock, Arkansas. He is there now; that's his home, but he travels all the time; he travels for a hardware house.

Q Do you know whether he has ever been before the Commission or not? A I know he has never been.

Q What's the name of your sister? A Anna Garrard.

Q Where does she live? A Well, I don't know where she is now; she spends the winters in Jacksonville, and she spends the summers around different resorts.

Q What is her home address? A Rome, Georgia, is her home, but I have heard that she has sold out everything she had there.

Q She has never been before the Commission? A No, she has never been before the Commission. I thought I would write for her to meet me here, but I couldn't find her. She was on the wings most all the time.

Q Have you any brothers or sisters dead? A Oh! yes, I have four brothers dead and three sisters.

Q Did any of them leave children? A Yes, sir, Mrs. Pierce left three.

Q What was her first name? A Mary Pierce.

Q Are those children living? A Yes, in Arkansas.

Q What place? A Atlanta, Arkansas.

Q What are the names of those children? A The oldest one's name - Duck; that's all the name I know; he was named for Mr. Duck, and they always called him Duck. The second one is named Edward, and the daughter is named Sarah Pierce.

Q What other one of your sisters left children? A Why, I don't know; I never knew my oldest sisters' children; never have known her since she married. She went west, and I didn't know her.

Q Do you know where they live? A No, I don't know where they live. I think though she had one daughter named Mary, one named Susan, a son named Jim and a son named Tom, and a son named Williams my oldest sister.

Ada D. Williams, 7.

Q What was her name? A Caroline Watson; she married a Watson.

Q Where did she move to? A I don't know what place. I have never been in correspondence; never have known them; I never felt any interest in them.

Q Did any other of your sisters leave children? A There was only four of us, and my sister is not dead; I have two sisters dead, Mrs. Pierce is one, and Mrs. Watson is the other.

Q How many of your brothers left children? A My oldest brother left ten children.

Q Where do they live? A They live all over Alabama; I don't know, one of them lives in Americus.

Q Have they been before the Commission? A No, they don't know anything about the Commission.

Q Give us the names of such of these children as you can? A My brother's children? Why, Charley, Henry, Zach, Edwin Booth, and Kate and Lula and Mollie. Mollie is grown, is now Mrs. Brown.

Q Are the other two married? A The other two girls are not married.

Q What was the name of their father? A J. T. Walker.

Q What was the J. for? A John T. Walker.

Q Did your other brothers leave any children? A My brother Edward left one daughter.

Q Is she living? A Yes, she is living; she is in Texas; her husband is presiding elder, and they move from place to place, and I don't know where they are now.

Q What is her married name? A Mrs. Stanley.

Q Did any other of your brothers leave children who are now living?

A I had a brother who lives in Texas, and he died and left a wife and two children, but I don't know their names.

Q What was this brother's name? A William Booth Walker.

Q Is that all of your brothers who left children? A No, George Walker lives in Little Rock.

Q I am talking about deceased brothers? A No, that is all.

Q Are any of your father's brothers or sisters living? A No, they are not, unless my uncle George, the youngest brother my father left, but I don't know it.

Q How many brothers did your father have? A Five.

Q How many sisters? A Six.

Q Give us the names of your father's brothers? A Why, my father was named William Booth. I am just giving you his brothers. John and Vinon.

Q Next? A Martin and Jephtha, and George.

Q What are the names of your father's sisters? A Bashaby.

Q What was her married name? A Ellis.

Q The next one? A Elizabeth Lipsey.

Q The next one? A Mrs. Lloyd.

Q What was her given name? A She was named Mary, and I have forgotten my father's next sister, - Lucy. I never knew any of them, understand, but I don't know what her married name is.

Q Next one? A Caroline.

Q What was her married name? A Hamilton.

Q Next one? A That's all.

Q You don't remember the other one's name then? A Missouri.

Q What was her married name? A She was a Hamilton.

Q Do you know whether Jephtha V. Walker and Lucy A Walker were lawfully married of your own knowledge? A Why, I never knew them.

Q Do you know whether John Booth and the mother of Sarah Booth were lawfully married? A Why, no, I can't say back that far. I have no means of finding out this late day.

Q Do you know how many brothers and sisters Sarah Booth had? A Why, yes, she had Jack Booth, and Wiley and William, and she had

Ada D. Williams, 8.

sisters, Penelopy and Elizabeth. I don't think --- she made the third one.

Q Were they all the children of the same father and mother, - full brothers and sisters? A Yes.

Q And your understanding had always been that John B. Booth was one-half Choctaw, and one half white? A Yes.

Q And consequently Sarah Booth was one-fourth Choctaw? A Yes, sir, that's what I have always understood.

Q You knew Sarah Booth very well? A Well, indeed I did.

Q Did you ever talk to her about her Choctaw blood? A Yes, I talked to her a great deal, and she talked to me, but it's been so long ago, I can't remember.

Q Do you remember whether she told you distinctly ~~whether~~ how much Choctaw blood she had? A She always said she was one-fourth.

Q You have heard her make that statement a number of times during her life time? A Yes, and heard her say her father was a half blood. She used to call me a little Indian; that used to make me so mad. I wasn't old enough to think of it, as I do now. For about ten years of my life I lived with Sarah Booth - she lived with us. She was a

widow the second time, and she lived with us until she married again, and she married and her husband didn't live but one year, and she came back to our house.

Q Did you ever hear her say anything about the treaty of Dancing Rabbit Creek? A I have heard her say something about it, but I don't remember clearly.

Q Don't remember what she said, do you? A No, I don't remember what she said.

Q Do you remember whether she ever told you whether she ever got any land under that treaty, or not? A I don't think she did.

Q Or whether she ever complied with the provisions of that 14th article or ever received any benefits under it? A No, she never received anything; I know that.

Q Did she ever tell you whether she ever complied with its provisions or not? A I don't know that she ever did tell me that. She talked to my father about it.

Q

(This applicant has the appearance of being a white woman, and shows no indication of being possessed of Indian blood. She does not speak or understand the Choctaw language.) She do

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 16th day of January, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes in said cause on said date.

Subscribed and sworn to before me at Meridian, Mississippi, this 20th day of January, 1902.

L. B. Mosley
Clerk U.S. Circuit Court,
Southern District of Mississippi,

By *[Signature]*

Deputy.

COPY.

COMMISSIONERS

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 4533.

ADDRESS ONLY: H.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

MUSKOGEE, INDIAN TERRITORY, February 19, 1903.

Ada D. Williams,
Louisville, Kentucky.

Dear Madam:

You are hereby advised that on the 19th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John W. Lipsey, et al., embracing the following applications for identification as Mississippi Choctaws:

John W. Lipsey,	M. C. R. 3800
Mattie Alva Mason, et al.,	M. C. R. 3494
George W. Ellis, Sr., et al.,	M. C. R. 4698
William E. Ellis, et al.,	M. C. R. 5545
Itasca M. Coles, et al.,	M. C. R. 5547
John J. Ellis, sr., et. al.,	M. C. R. 5546
Maggie Wiles,	M. C. R. 5548
Joshua J. Ellis,	M. C. R. 5549
Charlie O. Ellis, et al.,	M. C. R. 5348
Walter H. Ellis,	M. C. R. 5349
Dora Gertrude Ellis Hargus, et al.,	M. C. R. 5393
Bersheba J. Burford,	M. C. R. 4617
Lillian C. House,	M. C. R. 4751
Peyton M. Self, et al.,	M. C. R. 4616
Marancy A. Dean,	M. C. R. 4749
Mattie J. Myers, et al.,	M. C. R. 5318
Lelia E. Myers,	M. C. R. 5319
Texana Tibbs,	M. C. R. 5320
Charles E. Walker, et. al.,	M. C. R. 5414
Mary E. Brown, et al.,	M. C. R. 5415
John S. Walker, et al.,	M. C. R. 5417
Henry S. Walker, et al.,	M. C. R. 5418
Kate R. Coker,	M. C. R. 5416
Ada D. Williams,	M. C. R. 4533
Ann J. Garrard,	M. C. R. 5413
Cornelia R. Blair,	M. C. R. 4538
Nellie D. House, et al.,	M. C. R. 4750
Leonidas G. Dean, et al.,	M. C. R. 4540
David W. Dean,	M. C. R. 4534

Walker Sanders,	M. C. R. 5000
Montezuma V. Walker, et al.,	M. C. R. 4319
Malcolm E. Walker,	M. C. R. 4326
Jeff E. Walker,	M. C. R. 4327
William J. Walker, et al.,	M. C. R. 4615
Junia T. Gordon, et al.,	M. C. R. 4539
Jabers N. Walker,	M. C. R. 3795
Sarah E. Eavenson, et al.,	M. C. R. 4537
Jeptha L. Walker, et al.,	M. C. R. 4536
Laura A. Ray, et al.,	M. C. R. 4532
Mattie Blass,	M. C. R. 4535

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John W. Lipsey, Mattie Alva Mason, Wilma Mason, John Lipsey Mason, William B. Mason, George W. Ellis, sr., George W. Ellis, jr., Annie Louise Ellis, Henry Ellis, William E. Ellis, Lou Ellen Ellis, George W. Ellis (3), Floy G. Ellis, Itasca M. Coles, George Warren Coles, Howard Smith Coles, Elijah Coles, jr., John J. Ellis, sr., Pearl Warren Ellis, John J. Ellis, jr., Lucille H. Ellis, Maggie Wiles, Joshua J. Ellis, Charlie O. Ellis, James Ellis, Anna Ellis, Maggie Ellis, Eva Ellis, Mart Ellis, Walter H. Ellis, Dora Gertrude Ellis Hargus, Otis LeRoy Hargus, John Reed Hargus, Mary Lois Hargus, Bersheba J. Burford, Lillian C. House, Peyton M. Selt, Willie E. Selt, Lillian G. Self, Marancy A. Dean, Mattie J. Myers, Fred Myers, David Roy Myers, Iona Myers, Lelia E. Myers, Texana Tibbs, Charles E. Walker, John W. Walker, Saxton Walker, Mary E. Brown, Robert M. Brown, Florence Brown, Walter Brown, Ethel Brown, Edith Brown, John S. Walker, Rosa R. Walker, Mary S. Walker, Henry S. Walker, Henry S. Walker, jr., George D. Walker, Kate R. Coker, Ada D. Williams, Ann J. Garrard, Cornelia R. Blair, Nellie D. House, Sam L. House, Nell House, Edna House, David L. House, Mabel House, Leonidas G. Dean, David W. Dean, Walker Sanders, Eulalia A. Sanders, Avinell Y. Sanders, Walker V. Sanders, Montezuma V. Walker, Sarah C. Walker, Malcolm E. Walker, Jeff E. Walker, William J. Walker, Florence J. Walker, William V. Walker, Kittie L. Walker, Caswell C. Walker, Jeptha B. Walker, Talbert H. Walker, Robert O. Walker, Claudie E. Walker, Junia T. Gordon, Edward W. Gordon, Willie D. Gordon, Junia A. Gordon, Robert N. Gordon, Floy Gordon,

Henry W. Gordon, Sallie I. Gordon, Lennie L. Gordon, Montie L. Gordon, Jabers N. Walker, Sarah E. Eavenson, Clarence L. Eavenson, Alfred V. Eavenson, Thomas E. Eavenson, Lenora E. Eavenson, Earnest W. Eavenson, Montezuma Eavenson, Katie B. Eavenson, George C. Eavenson, Dora A. Eavenson, Hecta B. Eavenson, Jephtha L. Walker, Charles L. Walker, Jephtha V. Walker, Edward D. Walker, William T. Walker, Laura A. Ray, Veva M. Ray, Junia V. Ray, Burtrom L. Ray, Jephtha W. Ray, Lucy J. Ray, Ethel F. Ray and Mattie Blass as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED),

Registered.

Tams Dixey.

Acting Chairman.

COMMISSIONERS:
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING.

M.C.R. 4533.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, July 29, 1903.

Ada D. Williams,
Louisville, Kentucky.

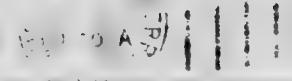
Dear Madam:

You are hereby notified that on the 1st day of July, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John W. Lipsey, et al., of which decision you were advised by registered mail on the 19th day of February, 1903.

Respectfully,



Commissioner in Charge.



45-32

File



Sept.



M. A.
General Office
Advising that the following has approved
Commissioner's decision

Ada
RETURNED TO
WILLIAMSON
LOUISVILLE, Kentucky.

Department of the Interior
Commission to the Five Civilized Tribes
MUSKOGEE, IND. TER.
OFFICIAL BUSINESS
Penalty for private use
AUG
LOUISVILLE, KY
JUN 22 PM 5
30

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FILED

APR 7 1903



Original





#40780



Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

THIRD NOTICE

Ada D. Williams,

~~Louisville, Kentucky~~

Muskogee,

1295?

Ind. Ter.

UNCLAIMED.
Return to Sender.

#1627

No. 4533

For Identification as a Mississippi Choctaw.
Meridian, Miss.

Date JAN 16 1902

Name Ada D. Williams.

Age 66 Blood 1/8

Post Office 1402 Garvin place
Louisville, Ky.

Father: William Booth Walker d

Mother: Delphia M. Clay d

Claims through father.
(Claims for self or by)

Children:

Mother of Wm Booth Walker, d. ^{Brother}
Father of Sarah Booth Walker, d.

Stenographer

R. S. Street

Choctaw MCR 4534

David W. Dean

See MCR 3800

MCR 4534

4534

Department of the Interior,
Commission to the five Civilized Tribes,
Meridian, Mississippi, January 16, 1902.

In the matter of the application of David W. Dean for
identification as a Mississippi Choctaw. J.E. Arnold, Attorney for
Applicant.

David W. Dean, having been first duly sworn, upon his
oath testified as follows:

Examination by the Commission.

- Q What is your name? A David W. Dean.
- Q How old are you? A Twenty eight.
- Q How much Choctaw blood do you claim to have? A One - sixteenth.
- Q What's your post office address? A Shaw, Mississippi.
- Q What county? A Bolivar.
- Q How long have you lived in Bolivar County? A Two years.
- Q Where did you live before that? A Senatobia, Tate County.
- Q How long did you live in Tate County? A All my life prior to
that time.
- Q Is your father living? A Yes, sir.
- Q What's his name? A David L. Dean.
- Q Mother living? A No, sir.
- Q What was her name? A Martha Ann Elizabeth.
- Q Through which one of your parents did you derive your Choctaw
blood? A My mother.
- Q How long has your mother been dead? A Since 1878.
- Q About how old was she at the time of her death? A Thirty six, I
think; I was quite young. Of course, I was told that.
- Q Did she speak or understand the Choctaw language? A She did not.
- Q You don't speak or understand it, do you? A No, sir.
- Q Where did your mother living during her life time? A She lived
at Senatobia, and prior to that at Independence, Mississippi.
- Q Did she live in Mississippi all her life? A So far as I know.
- Q Through which one of her parents did she get her Choctaw blood?
A Father.
- Q What was his name? A Jephtha V. Walker.
- Q Do you know him? A I can just remember him.
- Q He was a quarter blood Choctaw, then, was he? A Yes, sir.
- Q Do you know where he lived during his entire life? A After I
knew him it was near Independence, Mississippi, and prior to that,
I don't know.
- Q Through which one of his parents did he get his Choctaw blood?
A His mother, I suppose.
- Q What was her name? A Sarah Booth. Of course, this is only hearsay
with me.
- Q Well, through which one of her parents did she get her Choctaw
blood? A I couldn't say.
- Q Are you married? A No, sir.
- Q This application, then, is for yourself only, is that correct?
A Yes, sir.
- Q Is your name on any of the Choctaw tribal rolls in Indian Terri-
tory? A No, sir.

David W. Dean, 2.

Q Did you ever make application to the Choctaw tribal authorities in Indian Territory to be admitted or enrolled as a member of that tribe? A No, sir.

Q Did you in the year 1896 make application to this Commission for citizenship in the Choctaw Nation under the Act of Congress approved June 10, 1896? A No, sir.

Q Have you ever made any application of any kind before to-day? A No, sir.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under article 14 of the treaty of Dancing Rabbit Creek? A Yes, sir.

Q Do you understand that 14th article? A I have had it read to me.

Q Do you think you understand it? A I think so.

Q You have heard it explained here to-day? A Once or twice.

Q Did any of your ancestors ever comply or attempt to comply with its provisions, or ever receive any benefits under that article? A I don't know of any.

Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama, in 1830, when this treaty was made? A I don't know of any.

Q Were any of them recognized members of the Choctaw tribe here at that time? A I don't know.

Q Did any of them live here in the old Choctaw Nation in the year 1830, when this treaty was made? A I don't know where they lived. All I could give in would be hearsay.

Q Did any of your ancestors remove from the old Choctaw Nation, here in Mississippi and Alabama, to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A Never heard.

Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi for the Choctaws know they wanted to stay here in Mississippi and become citizens of the States? A I can't say.

Q Did any of them ever claim or receive any land here in Mississippi from the Government under article 14 of the treaty of Dancing Rabbit Creek? A Never heard of it, if they did.

Q Or under any other article of that treaty, or under the supplement to that treaty? A I don't know.

Q If any of your ancestors, then, ever got any land in Mississippi from the Government, you never heard of it? A No, sir.

Q Did any of them ever get any money from the Government? A I think not. I never heard of it, if they did.

Q Were any of your ancestors ever recognized members of the Choctaw tribe of Indians? A I don't know.

Q Any of them ever receive any benefits as such? A Never heard of any.

Q

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this agent failed to register and report to the Government the names

David W. Dean, 3.

of many Indians who did in fact let him know that they wanted to stay here in Mississippi and become citizens of the States and take land, and on this account, the Government at its public land sales here in Mississippi in many instances sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under article 14 of the treaty of Dancing Rabbit Creek. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed an Act which was approved on the 3rd day of March, 1837, providing for the appointment of a commission to come down here to Mississippi to hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. This commission was duly appointed by the President of the United States, and the commissioners came down here to Mississippi and heard a few of these Choctaw cases, but in the time allowed them by the Act of Congress under which they were appointed and a later Act of Congress which was approved on the 22nd day of February, 1838, providing for the continuance of this commission, they were unable to dispose of but a comparatively small number of cases. It therefore became necessary for Congress to make further provisions by which the remainder of these Indians might be given hearings, so another Act was passed which was approved on the 3rd day of August, 1842, providing for the appointment of another commission to come down here and finish up this work. This commission was duly appointed by the President of the United States, and the commissioners came down here to Mississippi and heard a great many more of these Choctaw cases.

Q Did any of your ancestors appear before either of these commissions, and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A I have been told that Sarah Booth did register.

Q How did you get that information? A Through my older relatives who have told me that my uncle, Montezumas Walker, had seen the roll, and saw the name registered there on it. He is the Montezumas Walker who made application to this Commission last winter at Muskogee, Indian Territory.

Q That is all the information you have on that point, is it?

A Yes, sir.

Q Do you know where that name was registered? A No, sir, I don't know.

Q You don't know what he meant by it at all? A No, sir, only that he had saw the roll, and that her name appeared.

Q You don't know what roll it was? A No, sir.

Q When did he see that roll? A I can't say.

Q You don't know that, either? A No, sir, of my personal knowledge I don't know anything about it, at all.

Q

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a

David W. Dean, 4.

Choctawshad complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government, they should be entitled to select in lieu thereof, land elsewhere in Mississippi, or Alabama, or Louisiana, or Arkansas, from vacant Government land, and that they should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any of this scrip from the United States Government under this Act of Congress? A Never heard of it.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A None other than Mrs. Aca Williams.

Q Is she informed on this point? A I have heard her speak of it.

Q She is here as a witness in your behalf? A She is.

Q You don't know of any other witnesses whose testimony you desire to introduce? A None at present.

If you should find any further witnesses whose testimony you desire to have taken by the Commission, they may appear before the Commission here at Meridian at any time prior to the 15th of next month, or within a reasonable time thereafter at the General office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Are you a full brother of Leonidas Dean, who appeared before the Commission here this morning? A Yes, sir.

Q Have you any other brothers living? A No, sir.

Q Have you any sisters living? A One.

Q What is her name? A Nellie House; she lives in Bonatebia, Tate County, Mississippi.

Q Has she been before the Commission? A She has not.

Q Your mother then was a full sister of Cornelia B. Blair, who appeared before the Commission here to-day? A Yes, sir.

(This applicant has the appearance of being a white man, and shows no indication of being possessed of Indian blood. He does not speak or understand the Choctaw language.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 15th day of January, 1902, and that the above and foregoing

David W. Dean, et al., vs.

is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. S. Strick

Subscribed and sworn to before me at Meridian, Mississippi, this 18th day of January, 1902.

L. B. Massey

Clerk U.S. Circuit Court,
Southern District of Mississippi.

BY *[Signature]*

Deputy.

COMMISSIONERS

HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

COPY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REPLY TO THE FOLLOWING

M.C.R. 4534.

MUSKOGEE, INDIAN TERRITORY, February 19, 1903.

David W. Dean,
Shaw, Mississippi.

Dear Sir:

You are hereby advised that on the 19th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John W. Lipsey, et al., embracing the following applications for identification as Mississippi Choctaws:

John W. Lipsey,	M. C. R. 3800
Mattie Alva Mason, et al.,	M. C. R. 3494
George W. Ellis, Sr., et al.,	M. C. R. 4698
William E. Ellis, et al.,	M. C. R. 5545
Itasca M. Coles, et al.,	M. C. R. 5547
John J. Ellis, sr., et. al.,	M. C. R. 5546
Maggie Wiles,	M. C. R. 5548
Joshua J. Ellis,	M. C. R. 5549
Charlie O. Ellis, et al.,	M. C. R. 5348
Walter H. Ellis,	M. C. R. 5349
Dora Gertrude Ellis Hargus, et al.,	M. C. R. 5393
Bersheba J. Burford,	M. C. R. 4617
Lillian C. House,	M. C. R. 4751
Peyton M. Self, et al.,	M. C. R. 4616
Marancy A. Dean,	M. C. R. 4749
Mattie J. Myers, et al.,	M. C. R. 5318
Lelia E. Myers,	M. C. R. 5319
Texana Tibbs,	M. C. R. 5320
Charles E. Walker, et. al.,	M. C. R. 5414
Mary E. Brown, et al.,	M. C. R. 5415
John S. Walker, et al.,	M. C. R. 5417
Henry S. Walker, et al.,	M. C. R. 5418
Kate R. Coker,	M. C. R. 5416
Ada D. Williams,	M. C. R. 4533
Ann J. Garrard,	M. C. R. 5413
Cornelia R. Blair,	M. C. R. 4538
Nellie D. House, et al.,	M. C. R. 4750
Leonidas G. Dean, et al.,	M. C. R. 4540
David W. Dean,	M. C. R. 4534

Walker Sanders,	M. C. R. 5000
Montezuma V. Walker, et al.,	M. C. R. 4319
Malcolm E. Walker,	M. C. R. 4326
Jeff E. Walker,	M. C. R. 4327
William J. Walker, et al.,	M. C. R. 4615
Junia T. Gordon, et al.,	M. C. R. 4539
Jabers N. Walker,	M. C. R. 3795
Sarah E. Eavenson, et al.,	M. C. R. 4537
Jeptha L. Walker, et al.,	M. C. R. 4536
Laura A. Ray, et al.,	M. C. R. 4532
Mattie Blass,	M. C. R. 4535

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John W. Lipsey, Mattie Alva Mason, Wilma Mason, John Lipsey Mason, William B. Mason, George W. Ellis, sr., George W. Ellis, jr., Annie Louise Ellis, Henry Ellis, William E. Ellis, Lou Ellen Ellis, George W. Ellis (3), Floy G. Ellis, Itasca M. Coles, George Warren Coles, Howard Smith Coles, Elijah Coles, jr., John J. Ellis, sr., Pearl Warren Ellis, John J. Ellis, jr., Lucille H. Ellis, Maggie Wiles, Joshua J. Ellis, Charlie O. Ellis, James Ellis, Anna Ellis, Maggie Ellis, Eva Ellis, Mart Ellis, Walter H. Ellis, Dora Gertrude Ellis Hargus, Otis LeRoy Hargus, John Reed Hargus, Mary Lois Hargus, Bersheba J. Burford, Lillian C. House, Peyton M. Self, Willie E. Self, Lillian G. Self, Marancy A. Dean, Mattie J. Myers, Fred Myers, David Roy Myers, Iona Myers, Lelia E. Myers, Texana Tibbs, Charles E. Walker, John W. Walker, Saxton Walker, Mary E. Brown, Robert M. Brown, Florence Brown, Walter Brown, Ethel Brown, Edith Brown, John S. Walker, Rosa R. Walker, Mary S. Walker, Henry S. Walker, Henry S. Walker, jr., George D. Walker, Kate R Coker, Ada D. Williams, Ann J. Garrard, Cornelia R. Blair, Nellie D. House, Sam L. House, Nell House, Edna House, David L. House, Mabel House, Leonidas G. Dean, David W. Dean, Walker Sanders, Eulalia A. Sanders, Avinell Y. Sanders, Walker V. Sanders, Montezuma V. Walker, Sarah C. Walker, Malcolm E. Walker, Jeff E. Walker, William J. Walker, Florence J. Walker, William V. Walker, Kittie L. Walker, Caswell C. Walker, Jeptha B. Walker, Talbert H. Walker, Robert O. Walker, Claudie E. Walker, Junia T. Gordon, Edward W. Gordon, Willie D. Gordon, Junia A. Gordon, Robert N. Gordon, Floy Gordon,

Henry W. Gordon, Sallie I. Gordon, Lennie L. Gordon, Montie L. Gordon, Jabers N. Walker, Sarah E. Eavenson, Clarence L. Eavenson, Alfred V. Eavenson, Thomas E. Eavenson, Lenora E. Eavenson, Earnest W. Eavenson, Montezuma Eavenson, Katie B. Eavenson, George C. Eavenson, Dora A. Eavenson, Hecta B. Eavenson, Jephtha L. Walker, Charles L. Walker, Jephtha V. Walker, Edward D. Walker, William T. Walker, Laura A. Ray, Veva M. Ray, Juma V. Ray, Burtrom L. Ray, Jephtha W. Ray, Lucy J. Ray, Ethel F. Ray and Mattie Blass as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Registered.

(SIGNED)

Tame Bixby.

Acting Chairman.

COPY.

M.C.R. 4534.

Muskeges, Indian Territory, July 29, 1903.

David W. Dean,
Shaw, Mississippi.

You are hereby notified that on the 1st day of July, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John W. Lipsey, et al., of which decision you were advised by registered mail on the 19th day of February, 1903.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

4534

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, January 16, 1902.

In the matter of the application of David W. Dean for
identification as a Mississippi Choctaw. J.E. Arnold, Attorney for
Applicant.

David W. Dean, having been first duly sworn, upon his
oath testified as follows:

Examination by the Commission.

- Q What is your name? A David W. Dean.
Q How old are you? A Twenty eight.
Q How much Choctaw blood do you claim to have? A One - sixteenth.
Q What's your post office address? A Shaw, Mississippi.
Q What county? A Bolivar.
Q How long have you lived in Bolivar County? A Two years.
Q Where did you live before that? A Senatobia, Tate County.
Q How long did you live in Tate County? A All my life prior to
that time.
Q Is your father living? A Yes, sir.
Q What's his name? A David L. Dean.
Q Mother living? A No, sir.
Q What was her name? A Martha Ann Elizabeth.
Q Through which one of your parents did you derive your Choctaw
blood? A My mother.
Q How long has your mother been dead? A Since 1878.
Q About how old was she at the time of her death? A Thirty six, I
think; I was quite young. Of course, I was told that.
Q Did she speak or understand the Choctaw language? A She did not.
Q You don't speak or understand it, do you? A No, sir.
Q Where did your mother living during her life time? A She lived
at Senatobia, and prior to that at Independence, Mississippi.
Q Did she live in Mississippi all her life? A So far as I know.
Q Through which one of her parents did she get her Choctaw blood?
A Father.
Q What was his name? A Joptha V. Walker.
Q Do you know him? A I can just remember him.
Q He was a quarter blood Choctaw, then, was he? A Yes, sir.
Q Do you know where he lived during his entire life? A After I
knew him it was near Independence, Mississippi, and prior to that,
I don't know.
Q Through which one of his parents did he get his Choctaw blood?
A His mother, I suppose.
Q What was her name? A Sarah Booth. Of course, this is only hearsay
with me.
Q Well, through which one of her parents did she get her Choctaw
blood? A I couldn't say.
Q Are you married? A No, sir.
Q This application, then, is for yourself only, is that correct?
A Yes, sir.
Q Is your name on any of the Choctaw tribal rolls in Indian Terri-
tory? A No, sir.

David W. Dean, 3.

Q Did you ever make application to the Choctaw tribal authorities in Indian Territory to be admitted or enrolled as a member of that tribe? A No, sir.

Q Did you in the year 1896 make application to this Commission for citizenship in the Choctaw Nation under the Act of Congress approved June 10, 1896? A No, sir.

Q Have you ever made any application of any kind before to-day? A No, sir.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under article 14 of the treaty of Dancing Rabbit Creek? A Yes, sir.

Q Do you understand that 14th article? A I have had it read to me.

Q Do you think you understand it? A I think so.

Q You have heard it explained here to-day? A Once or twice.

Q Did any of your ancestors ever comply or attempt to comply with its provisions, or ever receive any benefits under that article? A I don't know of any.

Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama, in 1830, when this treaty was made? A I don't know of any.

Q Were any of them recognized members of the Choctaw tribe here at that time? A I don't know.

Q Did any of them live here in the old Choctaw Nation in the year 1830, when this treaty was made? A I don't know where they lived. All I could give in would be hearsay.

Q Did any of your ancestors remove from the old Choctaw Nation, here in Mississippi and Alabama, to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A Never heard.

Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi for the Choctaws know they wanted to stay here in Mississippi and become citizens of the States? A I can't say.

Q Did any of them ever claim or receive any land here in Mississippi from the Government under article 14 of the treaty of Dancing Rabbit Creek? A Never heard of it, if they did.

Q Or under any other article of that treaty, or under the supplement to that treaty? A I don't know.

Q If any of your ancestors, then, ever got any land in Mississippi from the Government, you never heard of it? A No, sir.

Q Did any of them ever get any money from the Government? A I think not. I never heard of it, if they did.

Q Were any of your ancestors ever recognized members of the Choctaw tribe of Indians? A I don't know.

Q Any of them ever receive any benefits as such? A Never heard of any.

Q

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this agent failed to register and report to the Government the names

David W. Dean, 3.

of many Indians who did in fact let him know that they wanted to stay here in Mississippi and become citizens of the States and take land, and on this account, the Government at its public land sales here in Mississippi in many instances sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under article 14 of the treaty of Dancing Rabbit Creek. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed an Act which was approved on the 3rd day of March, 1837, providing for the appointment of a commission to come down here to Mississippi to hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. This commission was duly appointed by the President of the United States, and the Commissioners came down here to Mississippi and heard a few of these Choctaw cases, but in the time allowed them by the Act of Congress under which they were appointed and a later Act of Congress which was approved on the 22nd day of February, 1838, providing for the continuance of this commission, they were unable to dispose of but a comparatively small number of cases. It therefore became necessary for Congress to make further provisions by which the remainder of these Indians might be given hearings, so another Act was passed which was approved on the 23rd day of August, 1842, providing for the appointment of another commission to come down here and finish up this work. This commission was duly appointed by the President of the United States, and the commissioners came down here to Mississippi and heard a great many more of these Choctaw cases.

Q Did any of your ancestors appear before either of these commissions, and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A I have been told that Sarah Booth did register.

Q How did you get that information? A Through my older relatives who have told me that my uncle, Montezumas Walker, had seen the roll, and saw the name registered there on it. He is the Montezumas Walker who made application to this Commission last winter at Muskogee, Indian Territory.

Q That is all the information you have on that point, is it? A Yes, sir.

Q Do you know where that name was registered? A No, sir, I don't know.

Q You don't know what he meant by it at all? A No, sir, only that he had saw the roll, and that her name appeared.

Q You don't know what roll it was? A No, sir.

Q When did he see that roll? A I can't say.

Q You don't know that, either? A No, sir, of my personal knowledge I don't know anything about it, at all.

Q

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a

David W. Dean, 4.

Choctawshad complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government, they should be entitled to select in lieu thereof, land elsewhere in Mississippi, or Alabama, or Louisiana, or Arkansas, from vacant Government land, and that they should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any of this scrip from the United States Government under this Act of Congress? A Never heard of it.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A None other than Mrs. Ada Williams.

Q Is she informed on this point? A I have heard her speak of it.

Q She is here as a witness in your behalf? A She is.

Q You don't know of any other witnesses whose testimony you desire to introduce? A None at present.

If you should find any further witnesses whose testimony you desire to have taken by the Commission, they may appear before the Commission here at Meridian at any time prior to the 15th of next month, or within a reasonable time thereafter at the General office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Are you a full brother of Leonidas Dean, who appeared before the Commission here this morning? A Yes, sir.

Q Have you any other brothers living? A No, sir.

Q Have you any sisters living? A One.

Q What is her name? A Nellie House; she lives in Senatobia, Tate County, Mississippi.

Q Has she been before the Commission? A She has not.

Q Your mother then was a full sister of Cornelia B. Blair, who appeared before the Commission here to-day? A Yes, sir.

(This applicant has the appearance of being a white man, and shows no indication of being possessed of Indian blood. He does not speak or understand the Choctaw language.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 16th day of January, 1902, and that the above and foregoing

David W. Dean, et al., vs.

is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. S. Street
Subscribed and sworn to before me at Meridian, Mississippi,
this 18th day of January, 1902.

L. B. Mosley
Clerk U.S. Circuit Court,
Southern District of Mississippi.

By *[Signature]*

Deputy.

No. 4534

JAN 16 1902

Date JAN 16 1962
Name David W. Sears

Age 28 Blood 116

Post Office, Shaw. Miss

Father: David L. Dean

Mother Martha Ann Elizabeth Bran d

Claims through mother

(Claims for reef only.)

Children:

Father of Mary Ann was Jephtha W. Scherwood.
Mother of Jephtha W. Scherwood was Sarah
Foster. Jephtha W. Scherwood was the first of his family.

Stenographer

Stenographer R. S. Street

Choctaw MCR 4535

Mattie Bloss

See MCR 3800

MCR 4535

4535

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, January 16, 1902.

In the matter of the application of Mattie Blass for
identification as a Mississippi Choctaw.

Mattie Blass, having been first duly sworn, upon her oath
testified as follows:

Examination by the Commission.

- Q What is your name? A Mattie Blass.
Q What is your age? A Twenty eight.
Q How much Choctaw blood have you? A One-eighth.
Q What's your post office address? A Memphis, Tennessee.
Q What's your local address? A 204 South Second Street.
Q How long have you lived in Memphis? A About ten years.
Q Where did you live before that? A Mississippi.
Q At what place? A In Independence, in Tate County.
Q Were you born there? A Yes, sir.
Q You lived there your entire life until you moved to Memphis, ten
years ago? A Yes, sir.
Q Is your father living? A No, sir.
Q What was his name? A Jephtha V. Walker.
Q How long has he been dead? A About sixteen years.
Q How old would he be if he were living now? A I think about eighty
two, something like that.
Q Do you speak or understand the Choctaw language? A I do not.
Q Did your father? A Not that I know of.
Q Through which one of his parents did he get his Choctaw blood?
A His mother, so I am told.
Q What was her name? A Sarah Booth.
Q Were you acquainted with her? A No, sir.
Q Never saw her? A No, sir.
Q Do you know where she lived during her life time? A I do not.
Q Through which one of her parents did she get her Choctaw blood?
A I have been told it was her father.
Q Do you know what his name was? A I do not.
Q Did you ever see him? A No, sir.
Q Do you know where he lived during his life time? A No, sir.
Q How long immediately prior to his death did your father live in
Tate County, Mississippi? A I don't know, sir; several years.
Q Do you know any place else he lived besides in Tate County?
A I heard he was in Georgia.
Q Any place else? A No, sir.
Q Do you know where your father was born? A No, sir, I don't know.
I heard it was Georgia, at Atlanta, I think; I am not sure.
Q How long did he live in Georgia? A I don't know.
Q Is your mother living? A Yes, sir.
Q What's her name? A Lucy A. Walker.
Q You get your Choctaw blood solely through your father? A Yes, sir.
Q Were your father and mother lawfully married? A I think it's been
put on record in my brother's case, Montezumas Walker.

Mattie Blass, 2.

Q You think it has been proven in his case? A Yes, sir, I think so.
Q Do you know whether John B. Booth and the mother of Sarah Booth were lawfully married? A Well, I don't know.
Q Are you married? A Yes, sir.
Q Is your husband living? A Yes, sir.
Q What's his name? A Gus Blass.
Q Has he any Choctaw blood? A No, sir.
Q You make no claim for him? A No, sir.
Q Have you been married more than once? A No, sir.
Q Has he? A No, sir.
Q Have you any children? A No, sir.
Q This application, then, is for yourself only? A Yes, sir.
Q Is your name on any of the Choctaw tribal rolls in Indian Territory? A Not that I know of.
Q Did you ever make application to the Choctaw tribal authorities in Indian Territory to be admitted or enrolled as a member of that tribe? A Never did.
Q Did you, in the year 1896, make application to this Commission for citizenship in the Choctaw Nation, under the Act of Congress approved June 10, 1896? A No, sir.
Q Have you ever made any application of any kind before to-day? A Never did.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory, under article 14 of the treaty of Dancing Rabbit Creek? A Yes, sir.
Q You understand that 14th article, do you not? A Yes, I think I do.
Q Heard it explained several times here to-day? A Yes, sir.
Q Did any of your ancestors ever comply or attempt to comply with its provisions, or ever receive any benefits under this 14th article? A None that I ever knew of.
Q Did any of them own an improvement here in 1830, when this treaty was made? A Not that I know of.
Q Did any of them live here at the time this treaty was made? A Only what I have heard.
Q What have you heard? A That they lived here; I don't know whether it was when the Indians were here or not.
Q Did any of them remove from the old Choctaw Nation, in Mississippi and Alabama, to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A Not that I know of.
Q Any of them, within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi for the Choctaws know that they wanted to stay here in Mississippi and become citizens of the States and take land? A I don't know anything about it at all.
Q Did any of them ever claim or receive any land here in Mississippi from the Government under article 14 of the treaty of Dancing Rabbit Creek? A None that I know of.
Q Did any of them ever claim or receive any land here in Mississippi from the Government under any other article of that treaty than the 14th article, or under the supplement to that treaty? A None that I knew of.
Q Did you ever hear of any of your ancestors ever having gotten any land in Mississippi from the Government? A No, sir.

Mattie Blass, 3.

Q Or any money? A No, sir.

Q Were any of them ever recognized members of the Choctaw tribe of Indians? A None that I know of.

Q Did any of them ever receive any benefits as such? A Not that I know of.

Q You have heard explained the causes which brought about the Acts of Congress approved March 3, 1837, February 22, 1838, and August 23, 1842, have you not? A Yes, sir.

Q And you have heard the provisions of these Acts of Congress explained to these other applicants? A Yes, sir.

Q You understand them thoroughly? A I think I do.

Q Did any of your ancestors appear before either one of these Commissions appointed under these Acts of Congress and attempt to establish their rights? A None that I know of.

Q Did any of them ever claim or receive any scrip from the Government under this Act of Congress approved August 23, 1842? A None that I know of.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, sir, I do not.

Q Have you any witnesses here to-day? A What kind of witnesses?

Q Witnesses to testify in your case? A Mrs. Ada Williams.

Q Have you any other witnesses? A I have not.

In case you should find any further witnesses whose testimony you desire to have taken by the Commission, they may appear before the Commission here in Meridian before the 15th of next month, or within a reasonable time thereafter at the General Office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Are you a full sister of the applicant, Jeptha L. Walker, who has just appeared before the Commission? A Yes, sir.

(This applicant has the appearance of being a white woman, and shows no indication of being possessed of Indian blood)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause and that the foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause on said date.

Subscribed and sworn to before me at Meridian, Mississippi, this 18th day of January, 1902.

L. B. Mosley
Clark U.S. Circuit Court,
Southern District of Mississippi,

By *[Signature]*

Deputy.

COMMISSIONERS

HENRY L. DAWES.
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

COPY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 4530.

MUSKOGEE, INDIAN TERRITORY, February 19, 1903.

Mattie Blass,

Memphis, Tennessee.

Dear Madam:

You are hereby advised that on the 19th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John W. Lipsey, et al., embracing the following applications for identification as Mississippi Choctaws:

John W. Lipsey,	M. C. R. 3800
Mattie Alva Mason, et al.,	M. C. R. 3494
George W. Ellis, Sr., et al.,	M. C. R. 4698
William E. Ellis, et al.,	M. C. R. 5545
Itasca M. Coles, et al.,	M. C. R. 5547
John J. Ellis, sr., et. al.,	M. C. R. 5546
Maggie Wiles,	M. C. R. 5548
Joshua J. Ellis,	M. C. R. 5549
Charlie O. Ellis, et al.,	M. C. R. 5348
Walter H. Ellis,	M. C. R. 5349
Dora Gertrude Ellis Hargus, et al.,	M. C. R. 5393
Bersheba J. Burford,	M. C. R. 4617
Lillian C. House,	M. C. R. 4751
Peyton M. Self, et al.,	M. C. R. 4616
Marancy A. Dean,	M. C. R. 4749
Mattie J. Myers, et al.,	M. C. R. 5318
Lelia E. Myers,	M. C. R. 5319
Texana Tibbs,	M. C. R. 5320
Charles E. Walker, et. al.,	M. C. R. 5414
Mary E. Brown, et al.,	M. C. R. 5415
John S. Walker, et al.,	M. C. R. 5417
Henry S. Walker, et al.,	M. C. R. 5418
Kate R. Coker,	M. C. R. 5416
Ada D. Williams,	M. C. R. 4533
Ann J. Garrard,	M. C. R. 5413
Cornelia R. Blair,	M. C. R. 4538
Nellie D. House, et al.,	M. C. R. 4750
Leonidas G. Dean, et al.,	M. C. R. 4540
David W. Dean,	M. C. R. 4534

Walker Sanders,	M. C. R. 5000
Montezuma V. Walker, et al.,	M. C. R. 4319
Malcolm E. Walker,	M. C. R. 4326
Jeff E. Walker,	M. C. R. 4327
William J. Walker, et al.,	M. C. R. 4615
Junia T. Gordon, et al.,	M. C. R. 4539
Jabers N. Walker,	M. C. R. 3795
Sarah E. Eavenson, et al.,	M. C. R. 4537
Jeptha L. Walker, et al.,	M. C. R. 4536
Laura A. Ray, et al.,	M. C. R. 4532
Mattie Blass,	M. C. R. 4535

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John W. Lipsey, Mattie Alva Mason, Wilma Mason, John Lipsey Mason, William B. Mason, George W. Ellis, sr., George W. Ellis, jr., Annie Louise Ellis, Henry Ellis, William E. Ellis, Lou Ellen Ellis, George W. Ellis (3), Floy G. Ellis, Itasca M. Coles, George Warren Coles, Howard Smith Coles, Elijah Coles, jr., John J. Ellis, sr., Pearl Warren Ellis, John J. Ellis, jr., Lucille H. Ellis, Maggie Wiles, Joshua J. Ellis, Charlie O. Ellis, James Ellis, Anna Ellis, Maggie Ellis, Eva Ellis, Mart Ellis, Walter H. Ellis, Dora Gertrude Ellis Hargus, Otis LeRoy Hargus, John Reed Hargus, Mary Lois Hargus, Bersheba J. Burford, Lillian C. House, Peyton M. Self, Willie E. Self, Lillian G. Self, Marancy A. Dean, Mattie J. Myers, Fred Myers, David Roy Myers, Iona Myers, Lelia E. Myers, Texana Tibbs, Charles E. Walker, John W. Walker, Saxton Walker, Mary E. Brown, Robert M. Brown, Florence Brown, Walter Brown, Ethel Brown, Edith Brown, John S. Walker, Rosa R. Walker, Mary S. Walker, Henry S. Walker, Henry S. Walker, jr., George D. Walker, Kate R. Coker, Ada D. Williams, Ann J. Garrard, Cornelia R. Blair, Nellie D. House, Sam L. House, Nell House, Edna House, David L. House, Mabel House, Leonidas G. Dean, David W. Dean, Walker Sanders, Eulalia A. Sanders, Avinell Y. Sanders, Walker V. Sanders, Montezuma V. Walker, Sarah C. Walker, Malcolm E. Walker, Jeff E. Walker, William J. Walker, Florence J. Walker, William V. Walker, Kittie L. Walker, Caswell C. Walker, Jeptha B. Walker, Talbert H. Walker, Robert O. Walker, Claudie E. Walker, Junia T. Gordon, Edward W. Gordon, Willie D. Gordon, Junia A. Gordon, Robert N. Gordon, Floy Gordon,

Henry W. Gordon, Sallie I. Gordon, Lennie L. Gordon, Montie L. Gordon, Jabers N. Walker, Sarah E. Eavenson, Clarence L. Eavenson, Alfred V. Eavenson, Thomas E. Eavenson, Lenora E. Eavenson, Earnest W. Eavenson, Montezuma Eavenson, Katie B. Eavenson, George C. Eavenson, Dora A. Eavenson, Hecta B. Eavenson, Jephtha L. Walker, Charles L. Walker, Jephtha V. Walker, Edward D. Walker, William T. Walker, Laura A. Ray, Veva M. Ray, Junia V. Ray, Burtrom L. Ray, Jephtha W. Ray, Lucy J. Ray, Ethel F. Ray and Mattie Blass as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Registered.

(SIGNED).

James Bixby.

Acting Chairman.

7629

No. 4535

For Identification as a Mississippi Choctaw.
Meridian, Miss.

Date JAN 16 1902

Name Mattie Blass.

Age 28 Blood $\frac{1}{8}$

204 S. 2nd St.
Post Office, Memphis, Tenn.

Father: Jephtha V. Walker - d

Mother: Lucy A. Walker - L

Claims through Father -

husband Gus Blass - L
(no claim for husband)

(Claim for only.)

Children:

James G. Blass, Jephtha V. Walker, Sarah Blass, Jd
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Stenographer

X. A. Hriv

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE LATE CIVILIZED TRIBES.

FILED
APR 7 1903



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2024



Mattie Blass,

Memphis, Tennessee.



Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

2479

Choctaw MCR 4536

Jeptha L. Walker

See MCR 3800

MCR 4536

4586

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, January 16, 1902.

In the matter of the application of Jephtha L. Walker for the identification of himself and four minor children, Charles L., Jephtha V., Edward D. and William T., as Mississippi Choctaws.

Jephtha L. Walker, having been first duly sworn, upon his oath testified as follows: J. E. Arnold, Attorney for applicant.

Examination by the Commission.

- Q What is your name? A Jephtha L. Walker.
Q How old are you? A Thirty nine.
Q How much Choctaw blood have you? A One-eighth.
Q What's your post office address? A Hickory Flat, Benton County, Mississippi.
Q How long have you lived in Benton County? A Only been there a short while - since September; went there last of September.
Q Where did you live before that? A I lived at Clinton, Mississippi.
Q What county? A Hinds County.
Q How long did you live there? A About two years and nine months.
Q Where did you live before that? A In Tate County.
Q How long? A Lived there for about fifteen or twenty years; lived in Memphis six or seven years.
Q You lived in Tate, and you were born in Tate County? A It was DeSoto County when I was born; it is Tate County now.
Q You never lived in Indian Territory? A No, sir.
Q Is your father living? A No, sir.
Q What was his name? A Jephtha V. Walker.
Q How old would he be if he were living now? A Well, eighty - he died in 1884 - November '84; he has been dead about seventeen years, I guess that would make him seventy one and seventeen.
Q About eighty eight? A Somewhere along there.
Q Where did he die? A He died in Tate County.
Q How long had he been living there? A I don't know, sir. He was there when I first knew anything.
Q Do you know where he lived before that? A No, sir, I do not, only I heard him say he lived in Georgia, and I think, probably, in Alabama and Texas.
Q Do you know where he was born? A I think he was born in Georgia, near Clinton.
Q Is your mother living? A Yes, sir.
Q What's her name? A Lucy A. Walker.
Q Has she any Choctaw blood? A No, sir.
Q You get your Choctaw blood, then, solely through your father?
A Yes, sir.
Q Through which one of his parents did he get his Choctaw blood? A From his mother.
Q What was her name? A Sarah Booth.
Q Did you ever see her? A No, sir.
Q Do you know where she lived during her life time? A No, sir, I don't know.
Q Do you know anything about her at all? A I don't know anything only what my father told me.

Jeptha L. Walker, et al., 2.

- Q Did she speak or understand the Choctaw language? A I think she did, from what I heard him say - I heard him say she talked.
- Q Did she have a Choctaw name? A Not that I know of.
- Q Did your father speak or understand the Choctaw language? A Well, I have heard him use some Choctaw words, but I don't know how he learned it.
- Q You never saw him converse with a Choctaw Indian in the Choctaw language? A No, sir, I don't think I did.
- Q You don't understand the Choctaw language, do you? A No, sir.
- Q Through which one of her parents did Sarah Booth get her Choctaw blood? A From her father.
- Q What was his name? A John B. Booth.
- Q Was he a full blood Choctaw? A I think so.
- Q Have any Choctaw name? A I don't know, sir; I never heard my father say. I heard him say, though, he was an Indian, and he said an Indian chief.
- Q You never saw John Booth, and don't know where he lived? A No, sir.
- Q Were your father and mother lawfully married? A Yes, sir, I reckon so.
- Q Have you any evidence of that fact? A Nothing but the record my brother, Montezumas Walker, has filed in his case at Muskegee, Indian Territory - evidence of the marriage of my father and mother.
- Q Do you know whether John B. Booth, and his wife, the mother of Sarah Booth, were lawfully married? A I don't know, sir; I think, though, I could get a copy of their marriage.

Well, if you see fit to submit proper evidence of the marriage of John B. Booth and the mother of Sarah Booth, it will be received by the Commission, if furnished within a reasonable time.

- Q Are you married? A Yes, sir.
- Q Wife living? A Yes, sir.
- Q What's her name? A Allie B. Walker.
- Q Has she any Choctaw blood? A No, sir.
- Q You make no claim for her then? A No, sir.
- Q You married to her under a license? A Yes, sir.
- Q Have - when were you married to her? A In 1882.
- Q Where? A In Tate County.
- Q Mississippi? A Yes, sir.
- Q Have you your marriage license and certificate with you at this time? A No, sir, I could get them, though.
- Q Have you ever been married more than once? A No, sir.
- Q Has your wife been married more than once? A No, sir.
- Q Have you any children living? A Four.

It will be necessary for you to furnish proper evidence of the marriage of yourself to your wife, Allie B. Walker, for use in the consideration of the application which you make in behalf of your four minor children. The Commission will be glad to have you file such evidence within thirty days from this date, if possible.

Jeptha L. Walker, et al., 3.

Q What are the names and ages of your four minor children? A Charles L.
Q How old? A He is nineteen.
Q Next one? A Jeptha V.
Q How old? A Seventeen.
Q Next one? A Edward D.
Q How old? A He is ten, - not quite eleven.
Q Next one? A William T.
Q How old? A Two years.
Q These children all living with you at this time? A Yes, sir.
Q Are they all the children of yourself and Allie B. Walker? A Yes, sir.
Q This application, then, is for yourself and four minor children?
A Yes, sir.
Q Is your name, or the name of any one of these children, to be found upon any of the Choctaw tribal rolls in Indian Territory?
A No, sir.
Q Did you ever make application to the Choctaw tribal authorities in Indian Territory, for yourself or any one of these children to be admitted or enrolled as members of that tribe? A No sir.
Q Did you, in the year 1896, make application to this Commission for citizenship in the Choctaw for yourself or any one of these children under the Act of Congress approved June 10, 1896? A No, sir.
Q Is this the first application of any kind that has ever been made for you, or any of these children? A Yes, sir.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under article fourteen of the treaty of Dancing Rabbit Creek? A Yes, sir.
Q You understand that 14th article? A I think I understand it.
Q Heard it explained here four or five times to-day? A Yes, sir, and read it a few times.
Q Did any of your ancestors ever comply or attempt to comply with its provisions, or ever receive any benefits under that article?
A None that I know of.
Q Did any of your ancestors own an improvement here in 1830, when this treaty was made? A I think not.
Q Were any of them recognized members of the Choctaw tribe of Indians here at that time? A I don't know.
Q Did any of them live in the old Choctaw Nation, in Mississippi and Alabama, in 1830, when this treaty was made? A I don't know that.
Q Did any of them remove from the old Choctaw Nation, here in Mississippi and Alabama, to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians, between the years 1833 and 1838? A None that I know of.
Q Did any of them, within six months, after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi for the Choctaws know they wanted to stay here in Mississippi and become citizens of the States? A Not that I know of.
Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A I think not.
Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under any other article of that treaty, or under the supplement to that treaty? A No, sir, I think not; none that I know of.
Q Did any of them ever claim or receive any land here in Mississippi from the Government under any treaty provisions? A I don't know of

Jeptha L. Walker, et al., 4.

it, if they did.

Q Any of them ever get any money from the Government? A None that I know of.

Q You have heard the examination of several applicants here to-day, have you not? A Yes, sir.

Q And you understand the causes which brought about the Acts of Congress approved March 3, 1837, February 22, 1838, and August 23, 1842, do you not? A Yes, sir.

Q And you understand the provisions of these Acts of Congress?

A Yes, sir.

Q Did any of your ancestors appear before either of these Commissions appointed under these Acts of Congress, and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A I don't know, sir, unless it was Sarah Booth.

Q You don't know whether she did, or not? A No, sir, I don't know anything - I have been informed that her name was enrolled; I don't know whether it was done at that time, or when.

Q Enrolled where, Mr. Walker? A I don't know where it was enrolled, but it was found, I understand, on the roll book in the Territory.

Q Have no idea what is meant by that roll book? A No, sir, I don't know why it was enrolled, or what it was enrolled for.

Q How did you get that information? A I got it from my brother who was out there.

Q Did any of your ancestors ever get any scrip from the United States Government under the Act of Congress approved August 23, 1842?

A None that I know of.

Q Do you know any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, sir, not unless it is Mrs. Williams, who appears as a witness in this case.

Q What's her first name? A Ada B. Williams.

Q Have you any other witnesses here besides her to-day? A No, sir.

If you should find any further witnesses whose testimony you desire to have taken by the Commission, they may appear before the Commission here at Meridian, at any time before the 15th of next month, or within a reasonable time thereafter, at the General office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q You have no children who are of age or married, have you?

A No, sir.

Q Are you a full brother of Sarah E. Evensen? A Yes, sir, also, a full brother of Montezuma Walker, who has made application to the Commission at Muskogee, Indian Territory, recently. He has filed certain proof in his case, which I would like to have considered in my case.

(This applicant has the appearance of being a white man, and shows no indication of being possessed of Indian blood. He does not speak or understand the Choctaw language.)

Jeptan L. Walker, et al., vs.

R. S. Streit, having been first duly sworn, upon his oath stated that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 18th day of January, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. S. Streit

Subscribed and sworn to before me at Meridian, Mississippi, this 18th day of January, 1902.

L. B. Massey

Clerk U.S. Circuit Court,
Southern District of Mississippi,

By *[Signature]*

Deputy.

M.C. 4536

Muskogee, Indian Territory, February 15, 1902.

J. E. Arnold,

Atoka, Indian Territory,

Dear Sir:

There is returned you herewith certified copy of marriage license and certificate between J. L. Walker and Dixie Dean, inclosed with your letter of the thirteenth instant, for the reason that as you have been suspended from practice as an attorney before the Commission, no papers can be accepted from you for filing in support of any cases which may be now pending before the Commission.

Yours truly,

Commissioner in Charge.

AB -15

COMMISSIONERS
HENRY L. DAWES
TAMM BIXBY,
THOMAS D. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

COPY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M. C. R. 4536.

MUSKOGEE, INDIAN TERRITORY, February 19, 1903.

Jephtha L. Walker,
Hickoryflat, Mississippi.

Dear Sir:

You are hereby advised that on the 19th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John W. Lipsey, et al., embracing the following applications for identification as Mississippi Choctaws:

John W. Lipsey,	M. C. R. 3800
Mattie Alva Mason, et al.,	M. C. R. 3494
George W. Ellis, Sr., et al.,	M. C. R. 4698
William E. Ellis, et al.,	M. C. R. 5545
Itasca M. Coles, et al.,	M. C. R. 5547
John J. Ellis, sr., et. al.,	M. C. R. 5546
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Joshua J. Ellis,	M. C. R. 5549
Charlie O. Ellis, et al.,	M. C. R. 5348
Walter H. Ellis,	M. C. R. 5349
Dora Gertrude Ellis Hargus, et al.,	M. C. R. 5393
Bersheba J. Burford,	M. C. R. 4617
Lillian C. House,	M. C. R. 4751
Peyton M. Self, et al.,	M. C. R. 4616
Marancy A. Dean,	M. C. R. 4749
Mattie J. Myers, et al.,	M. C. R. 5318
Lelia E. Myers,	M. C. R. 5319
Texana Tibbs,	M. C. R. 5320
Charles E. Walker, et. al.,	M. C. R. 5414
Mary E. Brown, et al.,	M. C. R. 5415
John S. Walker, et al.,	M. C. R. 5417
Henry S. Walker, et al.,	M. C. R. 5418
Kate R. Coker,	M. C. R. 5416
Ada D. Williams,	M. C. R. 4533
Ann J. Garrard,	M. C. R. 5413
Cornelia R. Blair,	M. C. R. 4538
Nellie D. House, et al.,	M. C. R. 4750
Leonidas G. Dean, et al.,	M. C. R. 4540
David W. Dean,	M. C. R. 4534

Walker Sanders,	M. C. R. 5000
Montezuma V. Walker, et al.,	M. C. R. 4319
Malcolm E. Walker,	M. C. R. 4326
Jeff E. Walker,	M. C. R. 4327
William J. Walker, et al.,	M. C. R. 4615
Junia T. Gordon, et al.,	M. C. R. 4539
Jabers N. Walker,	M. C. R. 3795
Sarah E. Eavenson, et al.,	M. C. R. 4537
Jeptha L. Walker, et al.,	M. C. R. 4536
Laura A. Ray, et al.,	M. C. R. 4532
Mattie Blass,	M. C. R. 4535

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John W. Lipsey, Mattie Alva Mason, Wilma Mason, John Lipsey Mason, William B. Mason, George W. Ellis, sr., George W. Ellis, jr., Annie Louise Ellis, Henry Ellis, William E. Ellis, Lou Ellen Ellis, George W. Ellis (3), Floy G. Ellis, Itasca M. Coles, George Warren Coles, Howard Smith Coles, Elijah Coles, jr., John J. Ellis, sr., Pearl Warren Ellis, John J. Ellis, jr., Lucille H. Ellis, Maggie Wiles, Joshua J. Ellis, Charlie O. Ellis, James Ellis, Anna Ellis, Maggie Ellis, Eva Ellis, Mart Ellis, Walter H. Ellis, Dora Gertrude Ellis Hargus, Otis LeRoy Hargus, John Reed Hargus, Mary Lois Hargus, Bersheba J. Burford, Lillian C. House, Peyton M. Self, Willie E. Self, Lillian G. Self, Marancy A. Dean, Mattie J. Myers, Fred Myers, David Roy Myers, Iona Myers, Lelia E. Myers, Texana Tibbs, Charles E. Walker, John W. Walker, Saxton Walker, Mary E. Brown, Robert M. Brown, Florence Brown, Walter Brown, Ethel Brown, Edith Brown, John S. Walker, Rosa R. Walker, Mary S. Walker, Henry S. Walker, Henry S. Walker, jr., George D. Walker, Kate R. Coker, Ada D. Williams, Ann J. Garrard, Cornelia R. Blair, Nellie D. House, Sam L. House, Nell House, Edna House, David L. House, Mabel House, Leonidas G. Dean, David W. Dean, Walker Sanders, Eulalia A. Sanders, Avinell Y. Sanders, Walker V. Sanders, Montezuma V. Walker, Sarah C. Walker, Malcolm E. Walker, Jeff E. Walker, William J. Walker, Florence J. Walker, William V. Walker, Kittie L. Walker, Caswell C. Walker, Jeptha B. Walker, Talbert H. Walker, Robert O. Walker, Claudie E. Walker, Junia T. Gordon, Edward W. Gordon, Willie D. Gordon, Junia A. Gordon, Robert N. Gordon, Floy Gordon,

Henry W. Gordon, Sallie I. Gordon, Lennie L. Gordon, Montie L. Gordon, Jabers N. Walker, Sarah E. Eavenson, Clarence L. Eavenson, Alfred V. Eavenson, Thomas E. Eavenson, Lenora E. Eavenson, Earnest W. Eavenson, Montezuma Eavenson, Katie B. Eavenson, George C. Eavenson, Dora A. Eavenson, Hecta B. Eavenson, Jephtha L. Walker, Charles L. Walker, Jephtha V. Walker, Edward D. Walker, William T. Walker, Laura A. Ray, Veva M. Ray, Junia V. Ray, Burtrom L. Ray, Jephtha W. Ray, Lucy J. Ray, Ethel F. Ray and Mattie Blass as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Registered.

(SIGNED)

Tams Bixby.

Acting Chairman.

M.C.R. 4536.

COPY.

Tuskegee, Indian Territory, July 29, 1903.

Reytha E. Walker,
Nickoryflat, Mississippi.

Dear Sir:

You are hereby notified that on the 1st day of July, 1903, the Secretary of the Interior affirmed the decision of this Commission on refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John W. Lipsey, et al., of which decision you were advised by registered mail on the 19th day of February, 1903.

Respectfully,

(SIGNED)

T. B. Needles.
Commissioner in Charge.

#1630

No. 4536

For Identification as a Mississippi Choctaw.
Meridian, Miss.

Date JAN 16 1902

Name Jephtha L. Walker

Age 39 Blood 1/8

Post Office, Hickoryflat, Miss.

Father: Jephtha V. Walker

Mother: Lucy A. Walker

Claims through father.
wife Allie D. Walker
(no claim for wife)
(Claims for self and 4 children.)

Children:

Charles L. Walker	19
Jephtha V.	17
Edward D.	10
William T.	2

Mother of Jephtha L. Walker Sarah Booth (wid)
Father of Sarah Booth (wid) & (full) d

Stenographer

R. S. Street

Choctaw MCR 4537

Sarah E. Eavenson

See MCR 3800

MCR 4537

4537

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, January 16th, 1902.

In the matter of the application of Sarah E. Ravenson for the identification of herself and ten minor children, Clarence L., Alfred V., Thomas R., Lenora E., Earnest W., Montezuma, Katie B., George C., Dora A., and Reeta B. Ravenson, as Mississippi Choctaws.

Said Sarah E. Ravenson, being first duly sworn, testified as follows:-

J. E. Arnold, attorney for applicant.

Examination by the Commission.

- Q What is your name? A Sarah E. Ravenson.
Q How old are you? A Forty-one.
Q How much Choctaw blood do you claim to have? A One-eighth.
Q What is your postoffice address? A Bet, Mississippi.
Q What County? A Tate County.
Q How long have you lived in Tate County? A All my life.
Q Is your father living? A No sir.
Q What was his name? A Jephtha V. Walker.
Q Is your mother living? A Yes sir.
Q What is her name? A Lucy A. Walker.
Q Through which one of your parents do you derive your Choctaw blood? A My father.
Q How much Choctaw blood do you claim he had? A I don't know.
Q Did your mother have any Choctaw blood at all? A No sir.
Q Your father was a quarter then, wasn't he? A I reckon so.
Q How old would your father be if he were living, do you think?
A He would be somewhere about eighty, I reckon.
Q Where was he born? A In Georgia, I believe.
Q Do you know what place in Georgia? A I do not.
Q Do you know how old he was when he lived there? A I don't know.
Q Where did he go from Georgia? A I don't know.
Q When did he come to Mississippi? A I don't know.
Q How long did he live in Mississippi? A I don't know that either.
He lived there all my life.
Q Through which one of his parents did he get his Choctaw blood?
A From his mother.
Q What was her name? A Sarah Booth.
Q That was her maiden name? A I suppose so.
Q Did you ever see her? A No sir.
Q Do you know where she lived during her life time? A No sir.
Q You know nothing whatever about her, then? A No sir, except what I have heard.
Q Did she have a Choctaw name? A I don't know.
Q Did she speak or understand the Choctaw language? A I don't know.
Q Do you? A No sir.
Q Did your father speak or understand the Choctaw language? A I don't know.
Q Through which one of her parents did your father's mother get her Choctaw blood? A From her father, I suppose.
Q What was his name? A John Booth.
Q Did you ever see him? A No sir.
Q Do you know anything whatever about him? A Nothing at all.

Sarah E. Havenson et al---2

Q According to your testimony he must have been a full blood Choctaw, is that your understanding? A Yes sir, that was my understanding.

Q Did he have a Choctaw name? A I don't know.

Q Did he speak the Choctaw language? A I don't know that either. I never seen him and have heard but little about him.

Q You don't know the names of either of his parents-John Booth?

A No, I don't know.

Q Do you know whether he and the mother of Sarah Booth were lawfully married? A No sir, I do not.

Q You don't know anything about it? A No sir.

Q Have you any evidence of the marriage of your father and mother?

A Well, I suppose so.

Q Have you the marriage license and certificate? A Yes sir.

Q You will offer that in evidence later then? A Yes sir, my brother Montezuma, who made application in Indian Territory, has filed in his case evidence of the marriage of my father and mother.

Q How many times have you been married? A Once.

Q Is your husband living? A Yes sir.

Q What is his name? A Alfred Havenson.

Q Has he any Choctaw blood? A No sir.

Q You make no claim for him then? A No sir.

Q How many children have you who are now living? A Eleven.

Q Are any of those married or of age? A One is married.

Q What are the names of the other ten and their ages? A Clarence L., about nineteen years old; Alfred V., sixteen; Thomas E., fifteen; Lenora E., thirteen; Earnest W., twelve; Montezuma, about nine years old; Katie B., seven years old; George C., five; Dora A., four; Hecta B., two.

Q This application, then, is for yourself and ten minor children, is that correct? A Yes sir.

Q Is your name or the name of anyone of these children to be found upon any of the Choctaw Tribal rolls in Indian Territory? A No sir.

Q Did you ever make application to the Choctaw Tribal authorities in Indian Territory for yourself or any one of these children to be admitted or enrolled as members of that Tribe? A No sir.

Q Did you in the year 1896 make application to this Commission for citizenship in the Choctaw Nation under the act of Congress approved June 10, 1896? A No.

Q Did you ever make any application of any kind before today for yourself or any of these children? A No sir.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and ten minor children under article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.

Q You understand that 14th article of the treaty of Dancing Rabbit Creek, do you not? A Yes sir, I believe I understand it.

Q Did any of your ancestors ever comply or attempt to comply with the provisions of this 14th article of the treaty of Dancing Rabbit Creek or ever receive any benefits thereunder? A I do not know.

Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A I don't know, sir.

Q Were any of them recognized members of the Choctaw Tribe of Indians here at that time? A I don't know.

Sarah E. Ravenson et al---3

Q Do you know whether any of them lived here then - 71 years ago?
A No sir, I don't know.

Q Did any of them remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A I don't know.

Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here in Mississippi and become citizens of the States and take land? A I don't know, sir.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A I don't know.

Q Or under any other article of that treaty? A I don't know.

Q Or under the supplement to that treaty? A I don't know anything about it--no sir.

Q Did any of your ancestors ever get any money from the Government?
A I don't know. I never heard of such.

Q Were any of them ever recognized members of the Choctaw Tribe of Indians? A I don't know.

Q Did any of them ever receive any benefits as such? A I don't know.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that that Agent failed to register and report to the Government the names of many Choctaws who did in fact signify to him their intention to remain here and become citizens and take land, and on this account the Government at its public land sales here in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under article 14 of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the Attention of Congress and Congress passed an act which was approved on the 3rd day of March, 1837, providing for the appointment of a Commission to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. This Commission was duly appointed by the President of the United States and the Commissioners came down here to Mississippi and heard a few of these Choctaw cases but in the time allowed them by the act of Congress under which they were appointed and a later act of Congress which was approved on the 22nd day of February, 1838, providing for the continuance of the Commission they were unable to dispose of but a comparatively small number of these cases. It therefore became

Sarah R. Ravenson et al---4

necessary for Congress to make further provision by which the remainder of these Indians might be given hearings. So another act was passed which was approved the 23rd day of August, 1842, providing for the appointment of another Commission to come down here and finish up this work. This Commission was duly appointed by the President of the United States and the Commissioners came down here to Mississippi in the forties and heard a great many more of these Choctaw Indian cases.

Q Did any of your ancestors appear before either of these Commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A I don't know.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to select, in lieu thereof, land elsewhere in Mississippi, or in Alabama, Louisiana or Arkansas from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any of this scrip from the Government under this act of Congress? A I don't know.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir.

Q You do not? A No sir.

Q Have you any witnesses here today? A I have one.

Q What is her name? A Cousin Ada Williams.

If you should find any further witnesses whose testimony you desire to have taken before the Commission they may appear before us here at Meridian at any time before the 15th of February next, or within a reasonable time thereafter at the general office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Have you any children living who are over age? A No sir.

Q Or married? A One is married.

Q What is the name of your married child? A Lura Parks.

Q Where does she live? A In Independence.

Q In Tate County, Mississippi? A Yes sir.

This applicant has the appearance of being white woman-- shows no indications of being possessed of Indian blood. She does not speak or understand the Choctaw language.

Ira S. Hiles, being first duly sworn, states that as stenographer

Barth J. Davidson et al---3

to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi January 18th, 1902, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Barth J. Davidson
Subscribed and sworn to before me this the 18th day of January, 1902,
at Meridian, Mississippi.

L. R. McCaskey
Clerk U. S. Circuit Court, Southern
District of Mississippi.

By *J. M. Davis* Deputy.

M C R 4537

Muskogee, Indian Territory, September 8, 1908.

Sarah M. Havansen,
Net, Mississippi.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 1st instant, in which you ask to be informed of the present status of your case; also when the land of the Choctaw-Chickasaw country will be allotted.

In reply you are informed that it appears from the records of the Commission that you are an applicant for the identification of yourself and minor children as Mississippi Choctaws. The Commission has not at this time rendered any opinion or decision relative to the right of yourself and minor children to be identified as Mississippi Choctaws, but it is probable that such decision will be rendered some time in the near future. Upon the rendition thereof you will be duly notified of the action of the Commission and of the forwarding of the record to the Secretary of the Interior for review.

The present status of yourself and minor children is that of applicants for identification as Mississippi Choctaws whose right to such identification has in no manner been determined.

Relative to the time when allotments will be made to

S. H. H.—2.

duly identified Mississippi Choctaws, your attention is invited to the following provision of the act of Congress approved May 31,

1900: "Provided, That any Mississippi Choctaw duly identified as such by the United States Commission to the Five Civilized Tribes shall have the right, at any time prior to the approval of the final rolls of the Choctaws and Chickasaws by the Secretary of the Interior, to make settlement within the Choctaw-Chickasaw country, and on proof of the fact of bona fide settlement may be enrolled by the said United States Commission and by the Secretary of the Interior as Choctaws entitled to allotment."

It is not believed that the benefits of this legislation will in any manner accrue to applicants for identification as Mississippi Choctaws until they have been duly identified as such by the Commission to the Five Civilized Tribes, and that yourself and minor children are not at this time entitled in any manner to possessory rights of the tribal property of the Choctaw and Chickasaw Nations.

The agreement recently entered into between the government of the United States and the Choctaw and Chickasaw Nations as affirmed by the act of Congress approved July 1, 1902, further defines the limit of time in which duly identified Mississippi Choctaws must remove to and make settlement within the Choctaw-Chickasaw country in order to receive the benefits of such identification, such provision being as follows:

"All persons duly identified by the Commission to the Five Civilized Tribes under the provisions of section 21 of

S. E. E.--3.

the act of Congress approved June 28, 1898 (30 Stats., 495) as Mississippi Choctaws entitled to benefits under article 14 of the treaty between the United States and the Choctaw Nation concluded September 27, 1830, may, at any time within six months after the date of their identification as Mississippi Choctaws by said Commission, make proof of such settlement within the Choctaw-Chickasaw country, and upon the date of their said identification as Mississippi Choctaws shall be enrolled by such Commission as Mississippi Choctaws entitled to allotment as herein provided for citizens of the tribes, subject to the special provisions herein provided as to Mississippi Choctaws, and said enrollment shall be final when approved by the Secretary of the Interior."

And further:

"When such Mississippi Choctaw shall have in good faith continuously resided upon the lands of the Choctaw and Chickasaw Nations for a period of three years, including his residence thereon before and after such enrollment, he shall upon due proof of such continuous, bona fide residence, made in such manner and before such officer as may be designated by the Secretary of the Interior, receive a patent for his allotment, as provided in the Atoka agreement, and he shall hold the lands allotted to him as provided in this agreement for citizens of the Choctaw and Chickasaw Nations."

This agreement is not effective at this time, being subject to ratification by the citizens of the two nations at a special election to be held September 25, 1902.

We cannot presume at this time to render you any opinion upon the probable identification of yourself and minor children as Mississippi Choctaws. We can only advise that the decision of the Commission will be rendered upon such evidence as is submitted in

S. E. E.-4.

support of your application.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, September 8, 1902.

Clarence L. Ravenson,
Bet, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter without date, in which you state that you will reach your majority on the 7th day of May, 1903. You ask "Can I take up my claim myself, or will my mother have to attend to it."

In reply you are informed that it appears from the records of the Commission that your mother Sarah E. Ravenson, on January 16, 1902, made personal application before this Commission at its office at Meridian, Mississippi, for the identification of herself and her ten minor children as Mississippi Choctaws, your name being included in said application.

The Commission has not at this time rendered any opinion or decision relative to the right of your mother and her minor children to be identified as Mississippi Choctaws, but it is probable a decision will be rendered in the near future. Upon the rendition thereof your mother will be duly notified of the action of the Commission and of the forwarding of the record to the Secretary of the Interior for review.

Any rights which you may have as a Mississippi Choctaw

G. L. Reed,

will be determined in the final decision in your mother's case.

Yours truly,

Acting Chairman.

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

COPY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 4537.

PLEASE ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, February 19, 1903.

Sarah E. Payson,
Bet, Mississippi.

Dear Madam:

You are hereby advised that on the 19th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John W. Lipsey, et al., embracing the following applications for identification as Mississippi Choctaws:

John W. Lipsey,	M. C. R. 3800
Mattie Alva Mason, et al.,	M. C. R. 3494
George W. Ellis, Sr., et al.,	M. C. R. 4698
William E. Ellis, et al.,	M. C. R. 5545
Itasca M. Coles, et al.,	M. C. R. 5547
John J. Ellis, sr., et. al.,	M. C. R. 5546
Maggie Wiles,	M. C. R. 5548
Joshua J. Ellis,	M. C. R. 5549
Charlie O. Ellis, et al.,	M. C. R. 5348
Walter H. Ellis,	M. C. R. 5349
Dora Gertrude Ellis Hargus, et al.,	M. C. R. 5393
Bersheba J. Burford,	M. C. R. 4617
Lillian C. House,	M. C. R. 4751
Peyton M. Self, et al.,	M. C. R. 4616
Marancy A. Dean,	M. C. R. 4749
Mattie J. Myers, et al.,	M. C. R. 5318
Lelia E. Myers,	M. C. R. 5319
Texana Tibbs,	M. C. R. 5320
Charles E. Walker, et. al.,	M. C. R. 5414
Mary E. Brown, et al.,	M. C. R. 5415
John S. Walker, et al.,	M. C. R. 5417
Henry S. Walker, et al.,	M. C. R. 5418
Kate R. Coker,	M. C. R. 5416
Ada D. Williams,	M. C. R. 4533
Ann J. Garrard,	M. C. R. 5413
Cornelia R. Blair,	M. C. R. 4538
Nellie D. House, et al.,	M. C. R. 4750
Leonidas G. Dean, et al.,	M. C. R. 4540
David W. Dean,	M. C. R. 4534

Walker Sanders,	M. C. R. 5000
Montezuma V. Walker, et al.,	M. C. R. 4319
Malcolm E. Walker,	M. C. R. 4326
Jeff E. Walker,	M. C. R. 4327
William J. Walker, et al.,	M. C. R. 4615
Junia T. Gordon, et al.,	M. C. R. 4539
Jabers N. Walker,	M. C. R. 3795
Sarah E. Eavenson, et al.,	M. C. R. 4537
Jeptha L. Walker, et al.,	M. C. R. 4536
Laura A. Ray, et al.,	M. C. R. 4532
Mattie Blass,	M. C. R. 4535

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John W. Lipsey, Mattie Alva Mason, Wilma Mason, John Lipsey Mason, William B. Mason, George W. Ellis, sr., George W. Ellis, jr., Annie Louise Ellis, Henry Ellis, William E. Ellis, Lou Ellen Ellis, George W. Ellis (3), Floy G. Ellis, Itasca M. Coles, George Warren Coles, Howard Smith Coles, Elijah Coles, jr., John J. Ellis, sr., Pearl Warren Ellis, John J. Ellis, jr., Lucille H. Ellis, Maggie Wiles, Joshua J. Ellis, Charlie O. Ellis, James Ellis, Anna Ellis, Maggie Ellis, Eva Ellis, Mart Ellis, Walter H. Ellis, Dora Gertrude Ellis Hargus, Otis LeRoy Hargus, John Reed Hargus, Mary Lois Hargus, Bersheba J. Burford, Lillian C. House, Peyton M. Self, Willie E. Self, Lillian G. Self, Marancy A. Dean, Mattie J. Myers, Fred Myers, David Roy Myers, Iona Myers, Lelia E. Myers, Texana Tibbs, Charles E. Walker, John W. Walker, Saxton Walker, Mary E. Brown, Robert M. Brown, Florence Brown, Walter Brown, Ethel Brown, Edith Brown, John S. Walker, Rosa R. Walker, Mary S. Walker, Henry S. Walker, Henry S. Walker, jr., George D. Walker, Kate R Coker, Ada D. Williams, Ann J. Garrard, Cornelia R. Blair, Nellie D. House, Sam L. House, Nell House, Edna House, David L. House, Mabel House, Leonidas G. Dean, David W. Dean, Walker Sanders, Eulalia A. Sanders, Avinell Y. Sanders, Walker V. Sanders, Montezuma V. Walker, Sarah C. Walker, Malcolm E. Walker, Jeff E. Walker, William J. Walker, Florence J. Walker, William V. Walker, Kittie L. Walker, Caswell C. Walker, Jeptha B. Walker, Talbert H. Walker, Robert O. Walker, Claudie E. Walker, Junia T. Gordon, Edward W. Gordon, Willie D. Gordon, Junia A. Gordon, Robert N. Gordon, Floy Gordon,

Henry W. Gordon, Sallie I. Gordon, Lennie L. Gordon, Montie L. Gordon, Jabers N. Walker, Sarah E. Eavenson, Clarence L. Eavenson, Alfred V. Eavenson, Thomas E. Eavenson, Lenora E. Eavenson, Earnest W. Eavenson, Montezuma Eavenson, Katie B. Eavenson, George C. Eavenson, Dora A. Eavenson, Hecta B. Eavenson, Jephtha L. Walker, Charles L. Walker, Jephtha V. Walker, Edward D. Walker, William T. Walker, Laura A. Ray, Veva M. Ray, Junia V. Ray, Burtrom L. Ray, Jephtha W. Ray, Lucy J. Ray, Ethel F. Ray and Mattie Blass as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tams Bixby.

Acting Chairman.

Registered.

COPY.

M. C. R. 4837.

Muskogee, Indian Territory, July 29, 1903.

Sarah E. Evenson,

Mississippi.

Dear Madam:

You are hereby notified that on the 1st day of July, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John W. Lipsey, et al., of which decision you were advised by registered mail on the 19th day of February, 1903.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

MOR-4537

Muskogee, Indian Territory, October 22, 1906.

Mrs. Sallie Ravenson,
Charleston, Texas.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 15th instant in which you request to be advised as to what action you should take in the matter of your application for identification as a Mississippi Choctaw.

In reply to your letter you are informed that on July 1, 1903, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes refusing the applications made by you for the identification of yourself and minor children as Mississippi Choctaws.

Inasmuch as there does not appear to be any motion for review or reconsideration of your case now pending it does not seem that any further action can be taken in your case and the Department's decision of July 1, 1903, is considered final.

Respectfully,

Commissioner.

No. 4411

For Identification as a Mississippi Choctaw.
Meridian, Miss.

Date JAN 16 1902

Name Sarah E. Eavenson

Age 41 Blood 1/8

Post Office, Ret, Miss.

Father: Jephtha V. Walker

Mother: Lucy A. Walker

Claims through father.
husband, Alfred Eavenson
no claim for husband
(Claims for self and 10 children.)

Children:	Eavenson	
Clarence L.	"	19
Alfred V.	"	16
Thomas E.	"	15
Lenora E.	"	13
Earnest W.	"	12
Montezuma	"	9
Aggie B.	"	7
George C.	"	5
Dora A.	"	4
Hector B.	"	(M) 2

Mother of Jephtha V. Walker - Sarah B. Walker
Father of Sarah B. Walker - John B. Walker

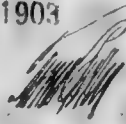
Stenographer

Ira A. Niles

DEPARTMENT OF THE INTERIOR,
COMMISSIONER OF THE FIVE CIVILIZED TRIBES.

FILED

MAR 21 1903



CHAIRMAN.

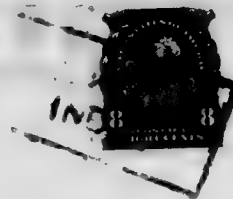
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Sarah E. Havenson,
Bet, Mississippi.



Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.
OFFICIAL BUSINESS.
Penalty for private use, \$300.

2455

45

Choctaw MCR 4538

Cornelia R. Blair

See MCR 3800

MCR 4538

4534

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, January 16th, 1902.

In the matter of the application of Cornelia R. Blair for
identification as a Mississippi Choctaw.

Said Cornelia R. Blair, being first duly sworn, testified as
follows:-

J. E. Arnold, attorney for applicant.

Examination by the Commission.

- Q What is your name? A Cornelia R. Blair.
Q How old are you? A Fifty-eight.
Q How much Choctaw blood do you claim to have? A One-eighth.
Q What is your postoffice address? A Independence, Mississippi.
Q How long have you lived at Independence, Mississippi? A I came
here in 1859.
Q Where did you come from to Independence? A From Texas.
Q How long did you live in Texas? A Lived there thirteen years.
Q Were you born out there? A No sir, my father moved there when
I was young. My mother died and he came back to Mississippi but I
remained in Texas with my grandmother.
Q Is your father living? A No sir.
Q What was his name? A Jephtha V. Walker.
Q Is your mother living? A No sir.
Q What was her name? A Cynthia Walker.
Q Through which one of your parents do you derive your Choctaw
blood? A My father.
Q How old would your father be if he were living now? A He was
born in 1813.
Q Where was he born? A He was born in Georgia.
Q How long after he was born did he live there in Georgia? A I cant
tell you how long it was that he lived there. I was so small.
Q Were you born there in Georgia? A Yes sir and went from there
to Texas and then moved to this State in 1859.
Q Through which one of his parents did your father get his Choctaw
blood? A From his mother.
Q What was her name? A Sarah Booth.
Q That was her maiden name? A Yes sir.
Q How long had she lived in Georgia when your father was born?
A I don't know.
Q You have no idea, have you? A No sir.
Q Did Sarah Booth ever live in Mississippi? A I cant tell you.
Q Do you know any place besides Georgia where she ever lived?
A They tell me she came from Alabama.
Q Do you know what part? A No sir, I do not.
Q Did you ever see her-Sarah Booth? A No sir.
Q Do you know anyone living who would likely know where she lived
during her life time? A Yes sir, we have a cousin that lived with
her.
Q What is her name? A Ada Williams.
Q Has she any Choctaw blood? A Yes sir, I guess so.
Q She is here today as a witness, is she not? A Yes sir.
Q Through which one of her parents did Sarah Booth get her Choctaw
blood? A From her father, so I am told.
Q What was his name? A John Booth.
Q Was he a full blood Choctaw Indian? A Claimed to be half, I
think.

Cornelia R. Blair---2

Q Are you sure about that? A I don't know how much they claimed.
Q You never saw him and don't know anything about him? A No sir,
I never saw him and don't know anything about him.
Q Did John Booth have an Indian name? A They called him Black
John Booth.
Q Did he have any other name? A No.
Q Did he speak or understand the Choctaw language? A I don't know.
Q Do you know whether ~~xx~~ he and the mother of Sarah Booth were
lawfully married? A I don't know.
Q Were your father and mother lawfully married? A Yes sir.
Q What evidence have you of that fact? A Their marriage certifi-
cate.
Q Have you it with you today? A No sir, but I have written for
it. I will send and get it.

You will be allowed reasonable time in which to submit
proper evidence of the marriage of your father and mother.
The Commission would be glad, however, to have you furnish
this at the earliest possible date.

Q How many times was your father married? A Twice.
Q Were you present at his second marriage? A No sir.
Q Do you know whether he was lawfully married at that time or not?
A No sir, I wasn't there. He was married when I came to the State.
Q Are you married? A Yes sir.
Q How many times have you been married? A Twice.
Q Have you children by both husbands? A Yes sir.
Q Are any of your children under age or unmarried? A No sir, all
of them are of age; one aint married.
Q This application, then, is for yourself only? A Yes sir.
Q Has your husband any Choctaw blood? A No sir.
Q Did your first husband have any Choctaw blood? A No sir, not
that I know of.
Q Is your first husband living? A No sir, he died during the war.
Q How long have you been married to your second husband? A I
married him in sixty-six.
Q Your first husband was killed in the Civil War prior to that time?
A Yes sir.
Q Is your name on any of the Choctaw Tribal rolls in Indian Terri-
tory? A No sir.
Q Did you ever make application to the Choctaw Tribal authorities
in Indian Territory to be admitted or enrolled as a member of that
Tribe? A No sir.
Q Did you in the year 1896 make application to this Commission for
citizenship in the Choctaw Nation under the act of Congress approved
June 10, 1896? A No sir.
Q Have you ever made any application of any description before to-
day to be admitted or enrolled as a member of the Choctaw Tribe of
Indians? A No sir.
Q Do you appear before the Commission at this time for the purpose
of claiming rights in the Choctaw lands in Indian Territory under
article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.
Q Do you understand that 14th article? A Yes sir, I heard you read
it here this morning.

Cornelia R. Blair---3

Q Did any of your ancestors ever comply or attempt to comply with its provisions or receive any benefits under that article? A I don't think they did, except my father's mother, Sarah Booth. I have heard it through others that she did. They said her name was enrolled.

Q You don't know, though, whether she complied or not, do you?

A No sir, That's only what I heard.

Q You spoke of her name being enrolled, what do you mean by that?

A Just as you are doing now.

Q You mean it was enrolled here in 1830? A I suppose so.

Q Were any of your ancestors living here in 1830 when the treaty of Dancing Rabbit Creek was made? A I can't tell you.

Q Were any of them recognized members of the Choctaw Tribe here at that time? A Not that I know of.

Q Did any of them own an improvement here in the old Choctaw Nation at that time? A I don't know.

Q Did any of them remove from the old Choctaw Nation here in Mississippi and Alabama out west to the new nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A I couldn't tell you; I don't know.

Q Did any of them within six months after this treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here in Mississippi and become citizens of the States and take land? A I don't know whether they did or not.

Q Did any of them ever get any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A Not that I know of.

Q Or under any other article of the treaty? A Not that I know of.

Q Or under the supplement to the treaty? A Not that I know of.

Q Did any of them ever get any money from the Government? A Not that I know of.

Q Were any of them ever recognized members of the Tribe? A Not that I know of.

Q Did any of them ever receive any benefits as such? A Not that I know of.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States. The records of the Government show that this Agent failed to register and report to the Government the names of many Indians who did in fact let him know that they wanted to stay here and on this account when this land that belonged to the Government here that they got from the Choctaws was sold, in many instances land upon which Choctaws lived and had improvements was sold and this naturally caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed an act which was approved on the 3rd day of March, 1837, providing for the appointment of a Commission to come down here to Mississippi and hear the cases of those Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of

Cornelia R. Blair---4

Dancing Rabbit Creek but that their land had been sold by the Government. This Commission was duly appointed by the President of the United States and the Commissioners came down here and heard a few of these cases but in the time allowed them by the act of Congress under which they were appointed and a later act of Congress which was approved February 22nd, 1838, they were unable to dispose of but a comparatively small number of these cases, so it became necessary for Congress to pass another act providing for the appointment of another Commission to finish up this work. This Commission was appointed and the Commissioners came down here in the fall and heard a great many more of these cases.

Q Did any of your ancestors appear before either of these Commissions and attempt to establish their rights under article 14 of the treaty? A Not that I know of.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Chectaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to select, in lieu thereof, land elsewhere in Mississippi or in Alabama, Louisiana or Arkansas, from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever get any of this scrip from the United States Government under this act of Congress? A Not that I know of.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A Well, I do know cousin Ada Williams; she is the only one I do know.

Q She is the witness you have here now? A Yes sir.

Q Have you any other witness whose testimony you desire to have taken? A No sir, not at present.

If you should find any further witnesses whose testimony you desire to have taken before the Commission they may appear before the Commission here at Meridian at any time before the 15th of February next or within a reasonable time thereafter at the general office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Have you any full brothers living? A Yes sir, one brother.

Q What is his name? A Henry Walker.

Q Where does he live? A In Tate County-Independence.

Cornelia R. Blair---5

Q Have you any full sisters living? A No sir.
Q Have you any full brothers or sisters who are now dead? A Yes sir, I have two sisters.
Q Full sisters? A Yes sir.
Q Did either of them leave children? A Yes sir.
Q What are the names of those two sisters? A One was named Nancy Sanders.
Q The other one? A Elizabeth Dean.
Q Have you any half brothers or sisters living? A Yes sir.
Q How many half brothers? A Four of the boys.
Q What are their names? A Montezuma Walker, William Walker, Jabers Walker and Jephtha Walker.
Q How many half sisters have you living? A Five.
Q What are their names? A Sarah E. Ravenscroft, Junia Gordon, Laura Ray, Lemora Crenshaw and Mattie Blass.
Q Have you any half brothers who are now dead? A No sir.
Q Or any half sisters who are now dead? A Yes sir.
Q How many? A One.
Q Did she die in infancy? A No sir, she married.
Q What was her name? A Lucy Ingram.
Q Did she leave any children? A Yes sir.
Q How many? A One.
Q What is that child's name? A Vinon Ingram.
Q With whom does this child live? A He lives in Tate County with his father.
Q What is his father's name? A Henry L. Ingram.
Q Did your father ever have any other brothers or sisters? A He had two sisters I know of.
Q Are either of them living? A No sir.
Q What were their names? A One was Bashi Ellis, and the other one was Betsey Lipsey.
Q Were they older or younger than your father? A I think they were older. They were here in this country when I came here from Texas.
Q Did he ever have any other brothers or sisters-your father?
A Yes sir, he had other brothers, William, and George Walker, and I think he had one named Martin Walker.
Q Do you know how many brothers he had? A I cant tell.
Q How many sisters did he have? A I don't know how many sisters he had.
Q Are any of the descendants of any of his brothers or sisters living now? A Yes sir.
Q How many? A Mrs. Vashi Ellis has two daughters living.
Q What are their names? A Jane Burford.
Q Where does she live? A In Tate County, Mississippi.
Q What is the name of the other sister? A Elizabeth A. Dean.
Q Where does she live? A In Senatoba, Tate County, Mississippi.
Q Are those the only living descendants of any of your father's brothers or sisters? A No, the other one of these sisters has some living descendants.
Q What are their names? A John W. Lipsey, Mack Lipsey and Missouri McKennen.
Q Where does Missouri McKennen live? A She lives in Tate County.
Q Mr. John Lipsey lives in Memphis, Tennessee.
Q What are the names of your children that are living? A By my first husband I have one, Mitchell A. Burford.
Q Where does he live? A In Tate County, Mississippi.

Cornelia R. Blair---6

Q The next one? A Richard Blair.
Q Where does he live? A In Tate.
Q Next one? A Jephtha Daniel Blair.
Q What is the name of another one? A Ada Bennett.
Q Next one? A Alfred Terrill Blair.

This applicant has the appearance of being a white woman-
shows no indications of being possessed of Indian blood.
She does not speak or understand the Choctaw language.

Ira S. Niles, being first duly sworn, states that as stenographer
to the Commission to the Five Civilized Tribes he reported in full
all proceedings had in the above entitled cause, heard at Meridian,
Mississippi, January 16th, 1902, and that the above and foregoing is a
full, true and correct transcript of his stenographic notes taken
in said proceedings on said date.

Ira S. Niles

Subscribed and sworn to before me this the 18th day of January, 1902,
at Meridian, Mississippi.

L. B. Moody
Clerk U.S. Circuit Court, Southern
District of Mississippi.

By *[Signature]* Deputy.

Muskogee, Indian Territory, January 28, 1902.

J. R. Arnold,

Meridian, Mississippi,

Dear Sir:

Receipt is hereby acknowledged of your letter of the twenty third instant, inclosing evidence of the marriage of Jephtha V. Walker and Cynthia J. Hill, which you offer in support of the application of Cornelia B. Blair for identification as a Mississippi Choctaw. The same has been filed with the record in that case and will receive consideration in the disposition of the application.

Yours truly,

Acting Chairman.

M.C. 4538

COMMISSIONERS

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AVLESWORTH,
SECRETARY

COPY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 4538.

MUSKOGEE, INDIAN TERRITORY, February 19, 1903.

Cornelia R. Blair,
Independence, Mississippi.

Dear Madam:

You are hereby advised that on the 19th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John W. Lipsey, et al., embracing the following applications for identification as Mississippi Choctaws:

John W. Lipsey,	M. C. R. 3800
Mattie Alva Mason, et al.,	M. C. R. 3494
George W. Ellis, Sr., et al.,	M. C. R. 4698
William E. Ellis, et al.,	M. C. R. 5545
Itasca M. Coles, et al.,	M. C. R. 5547
John J. Ellis, sr., et. al.,	M. C. R. 5546
Maggie Wiles,	M. C. R. 5548
Joshua J. Ellis,	M. C. R. 5549
Charlie O. Ellis, et al.,	M. C. R. 5348
Walter H. Ellis,	M. C. R. 5349
Dora Gertrude Ellis Hargus, et al.,	M. C. R. 5393
Bersheba J. Burford,	M. C. R. 4617
Lillian C. House,	M. C. R. 4751
Peyton M. Self, et al.,	M. C. R. 4616
Marancy A. Dean,	M. C. R. 4749
Mattie J. Myers, et al.,	M. C. R. 5318
Lelia E. Myers,	M. C. R. 5319
Texana Tibbs,	M. C. R. 5320
Charles E. Walker, et. al.,	M. C. R. 5414
Mary E. Brown, et al.,	M. C. R. 5415
John S. Walker, et al.,	M. C. R. 5417
Henry S. Walker, et al.,	M. C. R. 5418
Kate R. Coker,	M. C. R. 5416
Ada D. Williams,	M. C. R. 4533
Ann J. Garrard,	M. C. R. 5413
Cornelia R. Blair,	M. C. R. 4538
Nellie D. House, et al.,	M. C. R. 4750
Leonidas G. Dean, et al.,	M. C. R. 4540
David W. Dean,	M. C. R. 4534

Walker Sanders,	M. C. R. 5000
Montezuma V. Walker, et al.,	M. C. R. 4319
Malcolm E. Walker,	M. C. R. 4326
Jeff E. Walker,	M. C. R. 4327
William J. Walker, et al.,	M. C. R. 4615
Junia T. Gordon, et al.,	M. C. R. 4539
Jabers N. Walker,	M. C. R. 3795
Sarah E. Eavenson, et al.,	M. C. R. 4537
Jeptha L. Walker, et al.,	M. C. R. 4536
Laura A. Ray, et al.,	M. C. R. 4532
Mattie Blass,	M. C. R. 4535

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John W. Lipsey, Mattie Alva Mason, Wilma Mason, John Lipsey Mason, William B. Mason, George W. Ellis, sr., George W. Ellis, jr., Annie Louise Ellis, Henry Ellis, William E. Ellis, Lou Ellen Ellis, George W. Ellis (3), Floy G. Ellis,, Itasca M. Coles, George Warren Coles, Howard Smith Coles, Elijah Coles, jr., John J. Ellis, sr., Pearl Warren Ellis, John J. Ellis, jr., Lucille H. Ellis, Maggie Wiles, Joshua J. Ellis, Charlie O. Ellis, James Ellis, Anna Ellis, Maggie Ellis, Eva Ellis, Mart Ellis, Walter H. Ellis, Dora Gertrude Ellis Hargus, Otis LeRoy Hargus, John Reed Hargus, Mary Lois Hargus, Bersheba J. Burford, Lillian C. House, Peyton M. Self, Willie E. Self, Lillian G. Self, Marancy A. Dean, Mattie J. Myers, Fred Myers, David Roy Myers, Iona Myers, Lelia E. Myers, Texana Tibbs, Charles E. Walker, John W. Walker, Saxton Walker, Mary E. Brown, Robert M. Brown, Florence Brown, Walter Brown, Ethel Brown, Edith Brown, John S. Walker, Rosa R. Walker, Mary S. Walker, Henry S. Walker, Henry S. Walker, jr., George D. Walker, Kate R Coker, Ada D. Williams, Ann J. Garrard, Cornelia R. Blair, Nellie D. House, Sam L. House, Nell House, Edna House, David L. House, Mabel House, Leonidas G. Dean, David W. Dean, Walker Sanders, Eulalia A. Sanders, Avinell Y. Sanders, Walker V. Sanders, Montezuma V. Walker, Sarah C. Walker, Malcolm E. Walker, Jeff E. Walker, William J. Walker, Florence J. Walker, William V. Walker, Kittie L. Walker, Caswell C. Walker, Jeptha B. Walker, Talbert H. Walker, Robert O. Walker, Claudie E. Walker, Junia T. Gordon, Edward W. Gordon, Willie D. Gordon, Junia A. Gordon, Robert N. Gordon, Floy Gordon,

Henry W. Gordon, Sallie I. Gordon, Lennie L. Gordon, Montie L. Gordon, Jabers N. Walker, Sarah E. Eavenson, Clarence L. Eavenson, Alfred V. Eavenson, Thomas E. Eavenson, Lenora E. Eavenson, Earnest W. Eavenson, Montezuma Eavenson, Katie B. Eavenson, George C. Eavenson, Dora A. Eavenson, Hecta B. Eavenson, Jephtha L. Walker, Charles L. Walker, Jephtha V. Walker, Edward D. Walker, William T. Walker, Laura A. Ray, Veva M. Ray, Junia V. Ray, Burtrom L. Ray, Jephtha W. Ray, Lucy J. Ray, Ethel F. Ray and Mattie Blass as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED),

Tams Bixby.

Acting Chairman.

Registered.

COPY.

M.C.R. 4533.

Muskogee, Indian Territory, July 29, 1903.

Cornelia R. Blair,
Independence, Mississippi.

Dear Madam:

You are hereby notified that on the 1st day of July, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John W. Lipsey, et al., of which decision you were advised by registered mail on the 19th day of February, 1903.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

2/632

No. 4538

For Identification as a Mississippi Choctaw.

Meridian, Miss

Date

JAN 16 1902

Name *Cornelia R. Blair*

Age 58

Blood 1/8

Post Office, *Independence, Miss.*

Father: *Jeppha V. Walker*

Mother: *Cynthia*

Claims through

father

(Claims of *2* only)

Children:

Mother of *Jeppha V. Walker* & *Sarah B. 1/8 1/2*

Father of *Sarah B. 1/8 1/2* & *John B. 1/8 1/2*

Stenographer

John A. Niles

Choctaw MCR 4539

Junia T. Gordon

See MCR 3800

MCR 4539

4539

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, January 16th, 1902.

In the matter of the application of Junia T. Gordon for the identification of herself and nine minor children, Edward W., Willie D., Junia A., Robert M., Floy, Henry W., Sallie I., Lennie L., and Montie L. Gordon, for identification as Mississippi Choctaws.

Said Junia T. Gordon, being first duly sworn, testified as follows:-

J. E. Arnold, attorney for applicant.

Examination by the Commission.

Q What is your name? A Junia T. Gordon.
Q How old are you? A Forty-three.
Q How much Choctaw blood have you? A A One-eighth.
Q What is your postoffice address? A Independence, Tate County, Mississippi.
Q How long have you lived in Tate County, Mississippi? A All my life.
Q Is your father living? A No sir.
Q What was his name? A Jeptha V. Walker.
Q Is your mother living? A Yes sir.
Q What is her name? A Lucy A. Walker.
Q Do you get your Choctaw blood through your father or mother?
A Father.
Q You claim then that your father was a quarter Choctaw? A Yes sir.
Q How long has he been dead? A Seventeen years.
Q Where did he live at the time of his death? A At Independence.
Q About how old was he when he died? A Seventy-one years.
Q How long had he lived in Mississippi prior to his death? A I couldn't tell you. Ever since I have known him. He married here in 1851 to my mother and I don't know how long he lived here before that time.
Q Do you know anyone living who would know about that? A I don't know.
Q Did he have a Choctaw name? A I don't know.
Q Did he speak or understand the Choctaw language? A I don't know that.
Q Do you? A No sir.
Q Did you ever hear that he lived at one time in the State of Georgia? A Yes sir.
Q Do you know when he lived there? A He was born in Georgia.
Q How old was he when he left there, do you know? A I don't know. He was married, to the best of my knowledge, before he left there. He was married twice but he was married there the first time in Monroe County, Georgia.
Q Through which one of his parents did he get his Choctaw blood?
A Through his mother.
Q What was her name? A Sarah Booth.
Q Did she have any other name? A I don't know.
Q Was she a half blood Choctaw? A Yes sir.
Q Did you ever see her? A No sir.
Q At the time of the birth of your father, Sarah Booth was living in Georgia according to your statement? A Yes sir.

Junia T. Gordon et al---2

Q Where did she live before she moved to Georgia? A To the best of my knowledge she come from Alabama there.

Q Do you know what part of Alabama? A No sir.

Q Do you know how long she lived in Alabama? A I don't know that.

Q Do you know where she was born? A No sir, I don't know whether she was born there or not.

Q Had your father ever been in the State of Mississippi before he was married the first time in Georgia? A I do not know.

Q Did his parents move to Mississippi before or after his marriage? A I don't know that.

Q Through which one of her parents did Sarah Booth get her Choctaw blood? A Her father.

Q What was his name? A John B. Booth.

Q According to your testimony he must have been a full blood Choctaw Indian? A I have always been taught that my grandmother was half.

Q Did he have any other name besides John B. Booth? A Not that I know of.

Q Do you know whether he spoke and understood the Choctaw language? A No sir.

Q Do you know where he lived during his life time? A No sir.

Q Do you know anyone living who would likely be informed on these points? A No sir, I do not.

Q What is the name of your husband? A Willie E. Gordon.

Q Is he living? A Yes sir.

Q Has he any Choctaw blood? A No sir.

Q You make no claim for him then? A No sir.

Q Have you been married more than once? A No sir.

Q Has he been married more than once? A No sir.

Q Do you know whether your father and mother were lawfully married? A Well, sir, we have evidence to that effect.

Q You expect to produce such evidence later in your case? A Yes sir.

Q Do you know whether John B. Booth and the mother of Sarah Booth were lawfully married? A I don't know about that.

Q Do you know how many children they raised? A No sir, I do not know.

Q How many children have you living who are under 21 years of age and unmarried? A Nine.

Q Give us the names and ages of these children? A Edward W. Gordon.

Q How old is he? A About twenty.

Q Next one? A Willie D.

Q Is that a boy? A Yes sir.

Q How old is he? A Eighteen.

Q Next one? A Junia A.

Q How old is she? A Seventeen.

Q Next? A Robert N.

Q How old is he? A Fifteen.

Q Next one? A Floy.

Q Is that a girl? A Yes sir.

Q How old is she? A Twelve.

Q Next one? A Henry W.

Q How old is he? A Nine.

Q Next one? A Hallie I.

Q How old is she? A Seven.

Q Next one? A Lennie L.

Q How old is Lennie? A Five.

Junia T. Gordon et al---3

- Q Is that a boy or girl? A Boy.
- Q Next one? A Montie L.
- Q How old is he? A Two years old.
- Q Are these children all living with you at this time? A Yes sir.
- Q And they are all the children of yourself and Willie E. Gordon? A Yes sir.
- Q Is your name or the name of any one of these children to be found upon any of the Choctaw Tribal rolls in Indian Territory? A Not that I know of.
- Q Did you ever make application to the Choctaw Tribal authorities in Indian Territory for yourself or any of these children to be admitted or enrolled as members of that Tribe? A No sir.
- Q Did you or did anyone for you in the year 1896 make application to this Commission for citizenship in the Choctaw Nation for yourself or any one of these children under the act of Congress approved June 10, 1896? A No sir.
- Q Is this the first application of any description that has ever been made for you or any one of these children? A Yes sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and nine children under article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.
- Q Did any of your ancestors ever comply or attempt to comply with the provisions of this 14th article of the treaty of Dancing Rabbit Creek or ever receive any benefits thereunder? A I do not know.
- Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A I do not know.
- Q Were any of them recognized members of the Choctaw Tribe of Indians here at that time, 71 years ago? A I don't know, unless my grandmother, Sarah Booth.
- Q But you don't know whether she was or not? A No sir.
- Q Do you know whether she was living here at that time? A I don't know.
- Q Or whether any other of your ancestors were living here at that time? A I don't know.
- Q Did any of your ancestors remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A I don't know.
- Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here and become citizens of the States and take land? A I don't know.
- Q Did any of them ever claim or receive any land here in Mississippi from the Government under article 14 of the treaty of Dancing Rabbit Creek? A I don't know.
- Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under any other article of that treaty? A I don't know.
- Q Do you understand that 14th article? A Yes sir.
- Q Did any of your ancestors ever get any land here in Mississippi from the Government? A Not that I know of.
- Q Or any money? A Not that I know of.

Q Were any of them recognized members of the Choctaw Tribe of Indians to your knowledge? A I don't know that they were.

Q Did any of them ever receive any benefits as such? A I don't know.

Q You have heard the explanation made to Leonidas G. Dean and to Laura Ray as to the causes which brought about the acts of Congress of March 3, 1837, February 22, 1838, and August 23, 1842, have you not? A Yes sir.

Q And heard the provisions of the acts explained and everything in connection with it? A Yes sir.

Q You understand that, do you not? A Not exactly.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this Agent failed to register and report to the Government the names of many Indians who did in fact let him know that they wanted to stay here. If you will remember, the 14th article said that within six months after this treaty was ratified a Choctaw must let the Agent of the Government know that he wanted to stay here. On account of the failure of this Agent to report to the Government the names of many Indians who did in fact let him know that they wanted to stay here, the Government at its public land sales here in Mississippi when all this tract of land that they got from the Choctaws was sold, frequently sold land upon which Indians lived and had improvements and which they supposed they would receive under article 14 of the treaty inasmuch as they let the Agent know that they wanted to stay. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed an act which was approved the 3rd day of March, 1837, providing for the appointment of a Commission to come down here to Mississippi and hear the cases of those Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. This Commission was appointed by the President of the United States and the Commissioners came down here to Mississippi and heard a few of these Choctaw cases but in the time allowed them by the act of Congress under which they were appointed and another act of Congress approved February 22 1838, providing for the continuance of this Commission, they were unable to hear but a comparatively small number of these cases and it therefore became necessary for further provisions to be made by which the remainder of these Indians might be given hearings, so another act was passed which was approved on the 23rd day of August, 1842, providing for the appointment of another Commission to come down here and finish up this work. This Commission was appointed by the President of the United States and the Commissioners came down here in the forties and heard a great many of these Choctaw cases.

Junia T. Gordon et al---5

Q Did any of your ancestors appear before either of these Commissions and attempt to establish their rights under article 14 of the treaty? A I don't know.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to select in lieu of this land, land elsewhere in Mississippi, or in Alabama, Louisiana or Arkansas, from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this act of Congress? A I don't know.

Q Do you know any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A Not unless this Mrs. Ada D. Williams does.

Q She is here now as a witness in your case? A Yes sir.

Q Have you any other witnesses besides her here? A My brothers and sisters and nephews.

Q They are here as applicants before this Commission? A Yes sir.

Q You want your case, then, considered in connection with their cases? A Yes sir.

If you should find any further witnesses whose testimony you desire to have taken before the Commission, they may appear before the Commission here at Meridian between now and the 15th of next month or within a reasonable time thereafter at the General Office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Have you any brothers living? A Yes sir.

Q How many? A Four.

Q What are their names? A Montezuma Walker, Jabers Walker, William Walker and Jephtha L. Walker.

Q Have any of them been before this Commission? A Montezumas and Jabers have been before the Commission; they appeared at Muskogee.

Q Have you any sisters living? A I have five.

Q What are their names? A Lenora Crenshaw, Sallie Eavenson, Laura A. Ray and Mattie Blass.

Q Have you any full brothers or sisters dead? A I have one sister and one infant brother dead.

Q Did your sister leave any children? A She left one.

Q What is the name of that child? A Vinan Ingram.

Q About how old is that child? A About sixteen, I think.

Q Girl or boy? A Boy.

Junia T. Gordon et al---6

Q With whom does he live? A With his father.
Q What is his father's name? A Henry L. Ingram.
Q Where does he live? A Independence.
Q What was the name of the mother of this child? A Lucy A. Ingram.
Q Have you any half brothers living? A I have one.
Q What is his name? A Henry W. Walker.
Q Where does he live? A Independence.
Q Have you any half brothers dead? A There was one, he was an infant.
Q Have you any half sisters living? A One.
Q What is her name? A Cornelia R. Blair.
Q Where does she live? A Independence.
Q Have you any half sisters who are now dead? A Two.
Q Did either of them leave children? A Yes sir, both left children.
Q What is the name of the oldest of these half sisters? A Martha A. Dean.
Q How many of her children are living now? A Three.
Q What are their names? A Leonidas G. Dean, Nellie House and David Dean.
Q What is the name of your other half sister? A Nannie Sanders.
Q How many of her children are living? A Four.
Q What are their names? A Tupper Sanders, Walker Sanders, Lottie Lee Sanders and Annie Sanders.
Q Is that all? A Yes sir.

This applicant has the appearance of being a white woman-
shows no indications of being possessed of Indian blood.
She does not speak or understand the Choctaw language.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, January 16th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 18th day of January, 1902,
at Meridian, Mississippi.

L. B. Brown
Clerk U.S. Circuit Court, Southern
District of Mississippi.

By *[Signature]* Deputy.

Miss. Choctaw R4539

Muskogee, Indian Territory, July 12, 1902.

Mrs. Junia Gordon,
Independence, Mississippi,
Dear Madam:

Receipt is hereby acknowledged of your letter of July 7,
in which you ask if you can come out to the Indian Territory and take
up land before your application for identification as a Mississippi
Choctaw is determined.

In reply to your letter asking whether you can take up
land in the Choctaw-Chickasaw country, your attention is invited to
the following provision of the act of Congress of May 31, 1900:

"That any Mississippi Choctaw duly identified as such by
the United States Commission to the Five Civilized Tribes, shall
have the right, at any time prior to the approval of the final rolls
of the Choctaw and Chickasaw by the Secretary of the Interior, to
make settlement within the Choctaw-Chickasaw country, and on proof
of the fact of bona fide settlement may be enrolled by the said
United States Commission and by the Secretary of the Interior as
Choctaws entitled to allotment."

It is not believed, however, that the benefits of this legislation
would accrue to applicants until they had been identified by this
Commission as Choctaws entitled to allotment.

Yours truly,

Acting Chairman.

4539
Miss. Choctaw R 4359

Muskogee, Indian Territory, July 2, 1902.

Mrs. Junia T. Gordon,
Independence, Mississippi,
Dear Madam:

Receipt is hereby acknowledged of your letter of June 26,
in which you ask to be advised if your application for identifica-
tion as a Mississippi Choctaw has been passed upon by the Commission.
In reply to your letter you are advised that no decision has yet been
reached nor opinion rendered relative to the rights of yourself and
your children as Mississippi Choctaws. As soon as such a decision is
reached you will be notified of the action of the Commission and also
of the forwarding of the record in the case to the Secretary of the
Interior for review.

Yours truly,

Commissioner in Charge.

W O R 4539.

Muskogee, Indian Territory, August 16, 1904.

Junia V. Gordon,

Independence, Mississippi.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 18th inst., in which you ask if you can give your husband power of attorney to act in your place in taking up land for yourself and children, and how much land will be allotted each member of your family.

It appears from the records of the Commission that you are an applicant for identification of yourself and nine children as Mississippi Choctaws. The Commission has not at present rendered its decision relative to the right of yourself and children to such identification, but is now considering your application, and it is probable a decision will be rendered in the near future, and you will be duly notified of such decision, and of the forwarding of the record to the Secretary of the Interior for review.

The present status of yourself and children is that of applicants for identification as Mississippi Choctaws whose rights

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have in no manner been determined.

Your attention is invited to the following provision of the act of Congress of May 31, 1900:

"Provided: That any Mississippi Choctaw duly identified as such by the United States Commission to the Five Civilized Tribes shall have the right, at any time prior to the approval of the final rolls of the Choctaw and Chickasaw by the Secretary of the Interior, to make settlement within the Choctaw-Chickasaw country, and on proof of the fact of bona fide settlement may be enrolled by the said United States Commission and by the Secretary of the Interior as Choctaws entitled to allotment."

It is not believed that the benefits of this legislation will in any manner accrue to applicants for identification as Mississippi Choctaws until they have been duly identified as such by the Commission to the Five Civilized Tribes, and that yourself and children are not at this time entitled in any manner to possessory rights of the tribal property of the Choctaw and Chickasaw Nations.

The agreement recently entered into between the government of the United States and the Choctaw and Chickasaw Nations as ratified by the act of Congress approved July 1, 1903, further defines the limit of time in which duly identified Mississippi Choctaws must remove to and make settlement within the Choctaw-Chickasaw country in order to receive the benefits of such identification, such provision being as follows:

"All persons duly identified by the Commission to the Five Civilized Tribes under the provisions of section 21 of the act of Congress approved June 26, 1900 (31 Stat., 495) as Mississippi Choctaws entitled to benefits under article 14

of the treaty between the United States and the Choctaw Nation concluded September 27, 1880, may, at any time within six months after the date of their identification as Mississippi Choctaws by the said Commission, make proof of such settlement within the Choctaw-Chickasaw country, and upon the date of their said identification as Mississippi Choctaws shall be enrolled by such Commission as Mississippi Choctaws entitled to allotment as herein provided for citizens of the tribes, subject to the special provisions herein provided as to Mississippi Choctaws, and said enrollment shall be final when approved by the Secretary of the Interior."

And further:

"When such Mississippi Choctaw shall have in good faith continuously resided upon the lands of the Choctaw and Chickasaw Nations for a period of three years, including his residence thereon before and after such enrollment, he shall, upon due proof of such continuous, bona fide residence, made in such manner and before such officer as may be designated by the Secretary of the Interior, receive a patent for his allotment, as provided in the Atoka agreement, and he shall hold the lands allotted to him as provided in this agreement for citizens of the Choctaw and Chickasaw Nations."

As to the quantity of land each member of the Choctaw and Chickasaw Tribes is to receive as an allotment, and whether your husband can act for you under your power of attorney, the act of Congress of July 1, 1902, above referred to also provides that:

"There shall be allotted to each member of the Choctaw and Chickasaw tribes, as soon as practicable after the approval by the Secretary of the Interior of his enrollment as herein provided, land equal in value to three hundred and twenty acres of the average allottable land of the Choctaw and Chickasaw nations."

• • • • •

"Applications for enrollment as Mississippi Choctaws, and applications to have land set apart to them as such, must be made personally before the Commission to the Five Civilized Tribes. Fathers may apply for their minor children; and if the

2 7 8 6

Father be dead, the mother may apply; husbands may apply for wives. Applications for orphans, insane persons, and persons of unsound mind may be made by duly appointed guardian of estates, and for aged and infirm persons and persons by agents duly authorized thereto by power of attorney, in the discretion of said Commission.

This agreement is not effective at this time, being subject to ratification by the citizens of the two nations at a special election to be held September 25, 1900. We cannot presume at this time to render you any opinion upon the probable identification of yourself and children as Mississippi Choctaws. We can only advise that the decision of the Commission will be rendered upon such evidence as is submitted in support of your application.

Yours truly,

Acting Chairman.

M.C.R. 4539

Muskogee, Indian Territory, January 3, 1903.

Junie T. Gordon,
Independence, Mississippi.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 29th ultimo, in which you state that it is a good while since you have heard anything from your claim, and ask to be advised with reference to the same. You also ask at what time you should move to the Choctaw-Chickasaw country.

In reply to your letter you are informed that it appears from the records of the Commission that you are an applicant for the identification of yourself and nine minor children as Mississippi Choctaws.

The Commission has not up to this time reached any opinion or decision relative to your rights to be identified as Mississippi Choctaws, but is now considering your application, and it is probable a decision will be rendered in the near future. You will be duly notified of the action of the Commission and of the forwarding of the record to the Secretary of the Interior. At the present time yourself and children occupy the status of applicants for identification as Mississippi Choctaws whose rights to such identification have in no manner been determined.

Relative to the time within which settlement may be made

J. T. G. 2.

in the Choctaw-Chickasaw country, your attention is invited to the provision of the act of Congress approved July 1, 1902, and ratified by the citizens of the Choctaw and Chickasaw Nations September 25, 1902, as follows:

"All persons duly identified by the Commission to the Five Civilized Tribes under the provisions of section 21 of the act of Congress approved June 28, 1898 (30 Stats., 495), as Mississippi Choctaws entitled to benefits under article 14 of the treaty between the United States and the Choctaw Nation concluded September 27, 1830, may, at any time within six months after the date of their identification as Mississippi Choctaws by the said Commission, make bona fide settlement within the Choctaw-Chickasaw country, and upon proof of such settlement to such Commission within one year after the date of their said identification as Mississippi Choctaws shall be enrolled by such Commission as Mississippi Choctaws entitled to allotment as herein provided for citizens of the tribes, subject to the special provisions herein provided as to Mississippi Choctaws, and said enrollment shall be final when approved by the Secretary of the Interior."

It is not believed that the benefits of this legislation will in any manner accrue to applicants until identified by this Commission as Mississippi Choctaws entitled to allotment, or that yourself and minor children are at this time entitled to possessory rights of the tribal property of the Choctaw and Chickasaw Nations.

Respectfully,

Acting Chairman.

COPY.

COMMISSIONERS

HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 4539.

MUSKOGEE, INDIAN TERRITORY, February 19, 1903.

Junia T. Gordon,

Independence, Mississippi.

Dear Madam:

You are hereby advised that on the 19th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John W. Lipsey, et al., embracing the following applications for identification as Mississippi Choctaws:

John W. Lipsey,	M. C. R. 3800
Mattie Alva Mason, et al.,	M. C. R. 3494
George W. Ellis, Sr., et al.,	M. C. R. 4698
William E. Ellis, et al.,	M. C. R. 5545
Itasca M. Coles, et al.,	M. C. R. 5547
John J. Ellis, sr., et. al.,	M. C. R. 5546
Maggie Wiles,	M. C. R. 5548
Joshua J. Ellis,	M. C. R. 5549
Charlie O. Ellis, et al.,	M. C. R. 5348
Walter H. Ellis,	M. C. R. 5349
Dora Gertrude Ellis Hargus, et al.,	M. C. R. 5393
Bersheba J. Burford,	M. C. R. 4617
Lillian C. House,	M. C. R. 4751
Peyton M. Self, et al.,	M. C. R. 4616
Marancy A. Dean,	M. C. R. 4749
Mattie J. Myers, et al.,	M. C. R. 5318
Lelia E. Myers,	M. C. R. 5319
Texana Tibbs,	M. C. R. 5320
Charles E. Walker, et. al.,	M. C. R. 5414
Mary E. Brown, et al.,	M. C. R. 5415
John S. Walker, et al.,	M. C. R. 5417
Henry S. Walker, et al.,	M. C. R. 5418
Kate R. Coker,	M. C. R. 5416
Ada D. Williams,	M. C. R. 4533
Ann J. Garrard,	M. C. R. 5413
Cornelia R. Blair,	M. C. R. 4538
Nellie D. House, et al.,	M. C. R. 4750
Leonidas G. Dean, et al.,	M. C. R. 4540
David W. Dean,	M. C. R. 4534

Walker Sanders,	M. C. R. 5000
Montezuma V. Walker, et al.,	M. C. R. 4319
Malcolm E. Walker,	M. C. R. 4326
Jeff E. Walker,	M. C. R. 4327
William J. Walker, et al.,	M. C. R. 4615
Junia T. Gordon, et al.,	M. C. R. 4539
Jabers N. Walker,	M. C. R. 3795
Sarah E. Eavenson, et al.,	M. C. R. 4537
Jeptha L. Walker, et al.,	M. C. R. 4536
Laura A. Ray, et al.,	M. C. R. 4532
Mattie Blass,	M. C. R. 4535

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John W. Lipsey, Mattie Alva Mason, Wilma Mason, John Lipsey Mason, William B. Mason, George W. Ellis, sr., George W. Ellis, jr., Annie Louise Ellis, Henry Ellis, William E. Ellis, Lou Ellen Ellis, George W. Ellis (3), Floy G. Ellis, Itasca M. Coles, George Warren Coles, Howard Smith Coles, Elijah Coles, jr., John J. Ellis, sr., Pearl Warren Ellis, John J. Ellis, jr., Lucille H. Ellis, Maggie Wiles, Joshua J. Ellis, Charlie O. Ellis, James Ellis, Anna Ellis, Maggie Ellis, Eva Ellis, Mart Ellis, Walter H. Ellis, Dora Gertrude Ellis Hargus, Otis LeRoy Hargus, John Reed Hargus, Mary Lois Hargus, Bersheba J. Burford, Lillian C. House, Peyton M. Self, Willie E. Self, Lillian G. Self, Marancy A. Dean, Mattie J. Myers, Fred Myers, David Roy Myers, Iona Myers, Lelia E. Myers, Texana Tibbs, Charles E. Walker, John W. Walker, Saxton Walker, Mary E. Brown, Robert M. Brown, Florence Brown, Walter Brown, Ethel Brown, Edith Brown, John S. Walker, Rosa R. Walker, Mary S. Walker, Henry S. Walker, Henry S. Walker, jr., George D. Walker, Kate R Coker, Ada D. Williams, Ann J. Garrard, Cornelia R. Blair, Nellie D. House, Sam L. House, Nell House, Edna House, David L. House, Mabel House, Leonidas G. Dean, David W. Dean, Walker Sanders, Eulalia A. Sanders, Avinell Y. Sanders, Walker V. Sanders, Montezuma V. Walker, Sarah C. Walker, Malcolm E. Walker, Jeff E. Walker, William J. Walker, Florence J. Walker, William V. Walker, Kittie L. Walker, Caswell C. Walker, Jeptha B. Walker, Talbert H. Walker, Robert O. Walker, Claudie E. Walker, Junia T. Gordon, Edward W. Gordon, Willie D. Gordon, Junia A. Gordon, Robert N. Gordon, Floy Gordon,

Henry W. Gordon, Sallie I. Gordon, Lennie L. Gordon, Montie L. Gordon, Jabers N. Walker, Sarah E. Eavenson, Clarence L. Eavenson, Alfred V. Eavenson, Thomas E. Eavenson, Lenora E. Eavenson, Earnest W. Eavenson, Montezuma Eavenson, Katie B. Eavenson, George C. Eavenson, Dora A. Eavenson, Hecta B. Eavenson, Jephtha L. Walker, Charles L. Walker, Jephtha V. Walker, Edward D. Walker, William T. Walker, Laura A. Ray, Veva M. Ray, Junia V. Ray, Burtrom L. Ray, Jephtha W. Ray, Lucy J. Ray, Ethel F. Ray and Mattie Blass as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Registered.

(SIGNED)

James Luxoy.

Acting Chairman.

M C R 4539

Muskogee, Indian Territory, March 10, 1903.

Mrs. Junia T. Gordon,
Independence, Mississippi.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 2nd instant, relative to the decision of the Commission refusing the application made by you for the identification of yourself and your minor children as Mississippi Choctaws. You make certain statements regarding your Choctaw descent from Sarah Booth and that you make your claim under the 14th article of the Choctaw treaty of 1830. You also state that you employed J. E. Arnold to represent you before the Commission at Muskogee and ask if he appeared in your case, and whether you should employ another attorney or not.

In reply you are informed that your application was made a part of the consolidated Mississippi Choctaw case of John W. Lipsey and certain other persons, applicants to this Commission for identification as Mississippi Choctaws, claiming such rights under the provisions of the fourteenth article of the Choctaw treaty of 1830.

The fifteen days from February 19, 1903, heretofore granted the applicants in this case in which to file arguments in support of their claims to be forwarded to the Secretary of the

Mrs. J T G 2

Interior, expired on March 6, 1903. On March 7, 1903, the record in the case, together with the decision of the Commission, was transmitted to the Secretary of the Interior. The several applicants in this consolidated case will be duly notified of such action as may be taken by him.

You are further advised that the Commission has recommended to the Secretary of the Interior the disbarment of J. E. Arnold from practicing before this Commission; and that we cannot advise you relative to the employment of another attorney as that is a matter which is entirely within the discretion of applicants.

Respectfully,

Chairman.

M.C.R. 4539.

COPY.

Muskogee, Indian Territory, July 29, 1903.

Junia T. Gordon,
Independence, Mississippi.

Dear Madam:

You are hereby notified that on the 1st day of July, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John W. Lipsey, et al., of which decision you were advised by registered mail on the 19th day of February, 1903.

Respectfully,

WITNESSED

I. B. Needles.
Commissioner in Charge.

2/6-7

No. 4539

For Identification as a Mississippi Choctaw.
Meridian, Miss.

Date JAN 16 1902

Name Junia T. Gordon
Age 43 Blood 1/8

Post Office, Independence, Miss

Father: Jephthah V. Walker d

Mother: Lucy A. Walker L

Claims through father
husband Willie E. Gordon L
(No claim for husband)
(Claims for self and 9 children.)

Children:		
Edward W. Gordon		20
Willie D.	(M)	18
Junia A.	(F)	17
Robert H.		15
Floy	(F)	12
Henry W.		9
Sallie D.		7
Lennie L.	(M)	5
Montie L.	(M)	2

Mother of Jephthah V. Walker Sarah Booth 1/2 d.
Father of Sarah Booth John B. Booth (Jill) d.

Stenographer

J. S. Miles

Choctaw MCR 4540

Leonidas G. Dean

See MCR 3800

MCR 4540

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, January 18th, 1902.

In the matter of the application of Leonidas G. Dean for
the identification of himself, his wife Eugenia G., and minor child
Guy Walker Dean, as Mississippi Choctaws.

Said Leonidas G. Dean, being first duly sworn, testified as
follows:-

J. E. Arnold, attorney for applicant.

Examination by the Commission.

- Q What is your name? A Leonidas G. Dean.
Q How old are you? A I am thirty-five years old.
Q How much Choctaw blood have you? A One-sixteenth.
Q What is your postoffice address? A Shaw, Mississippi.
Q What County is that in? A Bolivar County.
Q How long have you lived in Bolivar County? A Twelve years.
Q Where did you live before that? A Tate County, Mississippi.
Q How long did you live in Tate County? A I was born and raised
there.
Q Is your father living? A Yes sir.
Q What is his name? A David L. Dean.
Q Has he any Choctaw blood? A No sir, none whatever.
Q Is your mother living? A No sir.
Q What was her name? A Martha Ann Elizabeth Dean.
Q How much Choctaw blood do you claim your mother had? A She must
have been about one-eighth, I suppose.
Q How long has your mother been dead? A She died with yellow-
fever in 1878, twenty-two years last October.
Q About how old was she at the time of her death? A Thirty-six.
Q Did she speak or understand the Choctaw language? A I couldn't
tell you.
Q Do you? A No sir.
Q Through which one of her parents did your mother get her Choctaw
blood? A Through her father.
Q What was his name? A Jephtha P. Walker.
Q How long has he been dead? A To the best of my knowledge he
died in 1884.
Q About how old was he when he died? A Seventy-one years old, I
think.
Q Did he always live in the State of Mississippi? A I couldn't
tell you.
Q Did your mother always live in the State of Mississippi? A I
couldn't tell you that.
Q Do you know anyone living who would know? A Yes sir, my aunts
here would know.
Q These aunts to whom you refer are here at this time for the pur-
pose of making application in their own behalf? A Yes sir.
Q Through which one of his parents did Jephtha V. Walker get his
Choctaw blood? A Through his mother.
Q What was her name? A Sarah Booth Walker.
Q Did you ever see her? A No sir.
Q Did you ever see Jephtha V. Walker? A Yes sir.
Q Did he speak or understand the Choctaw language? A I couldn't
tell you.

Leonidas G. Dean et al---2

Q Do you know anything about where Sarah Booth lived during her life time? A No sir.
Q According to your testimony she was one-half Choctaw blood? A To the best of my knowledge she was.
Q Through which one of her parents did she get her Choctaw blood? A I don't know.
Q Do you know whether Jeptha V. Walker and your mother's mother were lawfully married? A I couldn't tell you that, sir. I will get evidence if it is necessary.

By the Commission:-

It is important in your case that you should get such evidence.

Q Are you married? A Yes sir.
Q Have you been married more than once? A No sir.
Q Has your wife been married more than once? A No sir.
Q Are you living with your wife at this time? A Yes sir.
Q What is her name? A Eugenia C. Dean.
Q Has she any Choctaw blood? A She is said to have.
Q How much? A One eighth.
Q Do you want to make application for her too? A If I can do it upon the knowledge I have, I want to.

By the Commission:-

That is for you to decide.

A Yes sir, I want to make application for her.
Q How old is she? A Twenty-five years old now.
Q Has she always lived in Mississippi? A Yes sir, born and raised in Mississippi.
Q Were you lawfully married to her? A Yes sir.
Q Have you any evidence of that fact with you at this time? A No sir, I can produce it.

You will be allowed a reasonable time in which to submit proper evidence of your marriage to your wife Eugenia.

Q Through which one of her parents does your wife derive her Choctaw blood? A Her father.
Q Is he living? A No sir.
Q What was his name? A His name was-he was called Dr. Coulsby Walker.
Q How long has he been dead? A I think he was killed on a steamboat in 1878. I think it was 1877 or 1878.
Q Do you know about how old he was at the time of his death? A No sir, but I think he was about seventy years old.
Q How much Choctaw blood do you claim he had? A His mother was a half Indian woman, and he would be a quarter.
Q Did he always live in the State of Mississippi? A I couldn't tell you.
Q What is the name of your wife's mother? A Eugenia K. Walker.
Q Is she living? A Yes sir.

Leonidas G. Dean et al---3

Q She has no Choctaw blood? A No sir, none whatever.
Q Was she and your wife's father lawfully married? A Yes sir.
Q Have you any evidence of that fact? A It is on record. I can produce it.

You will be allowed a reasonable time in which to submit proper evidence of the marriage of Goulsby Walker and your wife's mother.

Q Your wife's father got his Indian blood through his mother? A Said to, yes sir.
Q What was her name? A I couldn't tell you, sir.
Q Did you ever see her? A No sir.
Q Did you ever see Goulsby Walker? A No sir.
Q Did he speak or understand the Choctaw language? A I have been told that he did to some extent.
Q Through which one of her parents did the mother of Goulsby Walker get her Choctaw blood? A I couldn't tell you that.
Q Do you know anyone that does know that? A Well, evidence will be introduced later to prove this. I don't know exactly what the evidence will be.
Q How do you know then that you will be able to secure that evidence? A I have every reasonable assurance of it; it is being worked up by competent attorneys.
Q Where? A In Bolivar County and other counties of the State and in Sumter County, Alabama.
Q Do you know where the mother of Goulsby Walker lived during her life time? A No sir, I couldn't tell you.
Q Have you any children living? A One.
Q What is the name of that child? A Guy Walker Dean.
Q How old is that child? A He is eight years old.
Q Living with you at this time? A Yes sir.
Q He is the child of yourself and Eugenia C. Dean? A Yes sir.
Q This application then is for yourself, your wife and one minor child? A Yes sir.
Q Is your name, your wife's name or the name of this child to be found upon any of the Choctaw Tribal rolls in Indian Territory? A I think not.
Q Did you ever make application to the Choctaw Tribal authorities in Indian Territory for yourself, wife or this child, to be admitted or enrolled as members of that tribe? A No sir.
Q Did you in the year 1896 make application to this Commission for citizenship in the Choctaw Nation under the Act of Congress approved June 10, 1896? A No sir.
Q Have you ever made any application of any description before today? A No sir.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under article 14 of the treaty of Dancing Rabbit Creek for yourself, wife and minor child? A I don't know whether I can answer that question or not.
Q That is what you claim isn't it? A I guess I do.
Q You understand that 14th article, do you not? A I don't know whether I understand it fully or not.
Q You heard it explained this morning to Mrs. Ray, did you not? A Yes sir.

Leonidas G. Dean et al---4

Q But you don't know whether you understand it or not? A No sir.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw Tribe of Indians. At the time this treaty was made the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, part of which is now occupied by the greater portion of the Choctaw Tribe of Indians and is commonly known as the Choctaw Nation Indian Territory. At the time the treaty was made some of the Choctaws were unwilling to leave this country and for the benefit of those who preferred to stay here in Mississippi what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who preferred to stay here in Mississippi might receive land here in Mississippi from the Government. The 14th article is as follows:-

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of the States, for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservations shall include the present improvement of the head of the family or a portion of it. Persons claiming under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q That is the 14th article of the treaty of Dancing Rabbit Creek- Do you think you understand it now? A Yes sir.

Q Did any of your ancestors or any of your wife's ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under that article? A I can't say.

Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in 1830 when this treaty was made? A I can't say.

Q Did any of them live here at that time? A I don't know.

Q Were any of them recognized members of the Choctaw Tribe of Indians at that time? A I don't know.

Q Did any of them remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A I couldn't

Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here in Mississippi and become citizens of the States and take land? A I don't know, sir.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A Not that I know of.

Q Did any of them ever claim or receive any land here in Mississippi from the United States Government under any other article of that treaty or under the supplement to that treaty? A I can't say whether they did or not.

Q Did any of them ever get any land here in Mississippi from the Government? A I don't know, sir.

Q Did any of them ever get any money from the Government? A I don't know.

Q Were any of them ever recognized members of the Choctaw Tribe of Indians? A I don't know, sir.

Q Did any of them ever receive any benefits as such? A I don't know whether they did or not.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land under this 14th article. The records of the Government show that this Agent failed to register the names of many Indians who did in fact let him know that they wanted to stay here and become citizens of the States, and on this account the Government at its public land sales here in Mississippi, when this tract of land they got from the Choctaws was sold, in many instances sold land upon which Indians lived and had improvements and which they supposed they would receive under this 14th article of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed an act which was approved the 3rd day of March, 1837, providing for the appointment of a Commission to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. This Commission was duly appointed by the President of the United States and the Commissioners came down here and heard a few of these Choctaw cases but in the time allowed them by the act of Congress under which they were appointed and a later act of Congress approved the 22nd day of February, 1838, providing for the continuance of the Commission, they were unable to dispose of but a comparatively small number of cases. It therefore became necessary for Congress to make further provision whereby the remainder of these Indians might be given hearings, so another act was passed which was approved on the 23rd day of August, 1842, providing for the appointment of another Commission to come down here and

finish up this work. This Commission was duly appointed by the President of the United States and the Commissioners came down here in the forties and heard a great many of these cases. They held sessions during several different years and at different places here in Mississippi.

Q Did any of your ancestors or any of the ancestors of your wife appear before either of these Commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.

Q Was it one of your ancestors that did this or one of your wife's ancestors? A We find that one of my wife's ancestors complied with that treaty--John Walker, and I have reasonable assurance that my ancestors did.

Q What evidence have you that your ancestors did? A I have been told by J. W. Lipsey, and Montezuma Walker that Sarah Booth did register and her name appears on one of the rolls.

Q Register when? A I couldn't tell you, sir--registered between 1830 and 1834 I understand.

Q Are Montezuma Walker and J.W.Lipsey relatives of yours? A Yes, sir, one is a cousin and the other is an uncle. They are applicants.

Q What relation was John Walker to Goulsby Walker? A Father.

Q John Walker was the father of your wife's father? A John Walker was the father of Dr. Goulsby Walker.

Q And he was a white man? A Yes sir.

Q What evidence have you that he ever complied with the provisions of article 14 of the treaty of Dancing Rabbit Creek? A His name is found upon the list prepared by Agent William Ward, of persons who within six months after the treaty of Dancing Rabbit Creek was ratified let him know that they wanted to stay here and become citizens of the States.

On page 18 of Volume 1 of the record of the Court of Claims in the case of the Choctaw Nation of Indians vs the United States, No. 12742, appears what purports to be a copy of the register of William Ward of Choctaws who signified their intention to, within six months from the ratification of the treaty of Dancing Rabbit Creek, remain in Mississippi and take land and become citizens of the States. In said list of names is found the name of John Walker, a white man with an Indian wife.

Q How many children did John Walker have? A Let me answer in this way--I was told by witnesses that there was nine children at one time but that two died; I can't say what year. It left seven children and of the seven children I can give you only the names of Goulsby Walker and Elisabeth Ann Walker.

Q You don't know how many of these children were over ten years of age at the time the treaty was entered into? A No sir.

Q Or, in fact, how many children of John Walker were living at that time? A No sir.

Q Do you know anyone living who would likely be informed on that point? A There will be evidence produced later to show this.

Q What evidence have you that John Walker, your wife's grandfather, is the identical John Walker whose name appears in Ward's list?

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A I cant give it just now.

Q Do you expect to be able to produce such evidence? A Yes sir.

Q Did any of your ancestors appear before either of these Commissions? A I have been told that my great-grandmother appeared-enrolled.

Q Did she appear before either of these Commissions or before

Agent Ward? A I don't know which one of them she appeared before.

Q Do you expect to produce evidence on this point? A Yes.

This act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to select, in lieu thereof, land elsewhere in Mississippi, or in Alabama, Louisiana or Arkansas, from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

Q Do you know whether any of these ancestors ever got any of this scrip from the Government? A I do not.

Q Have you any witnesses here today whom you desire to have testify in your behalf? A Yes sir, one.

Q What is her name? A Mrs. Ada D. Williams.

Q What do you expect to prove by her? A I expect to prove by her that my great-grandmother, Sarah Booth, was half Indian.

Q Anything further? A I don't know what other testimony would be introduced.

Q Have you any other witnesses here? A ~~Yes sir~~ No sir, I haven't, except my aunts and others interested who will make application in their own behalf.

Q Do you know anyone living who would likely know definitely whether any of your ancestors or any of your wife's ancestors ever complied with this 14th article of the treaty of Dancing Rabbit Creek? A Only Mrs. Williams; I cant say whether she knows or not.

Q Mrs. Williams is the only witnesses you have here today? A Yes sir.

If you should find other witnesses whose testimony you desire to have taken before the Commission they may appear before the Commission here at Meridian at any time prior to the 15th of February, next, or within a reasonable time thereafter at the general office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Have you any brothers living? A Yes sir, one.

Q What is his name? A David W. Dean.

Q Has he been before the Commission? A No sir, not yet.

Q Is he here today for that purpose? A Yes sir.

Q Have you any sisters living? A One.

Q What is her name? A Nellie House.

Q Where does she live? A Senatobia, Mississippi.

Leonidas G. Dean et al---8

Q Has she been before the Commission? A No sir.
Q Have you any brothers or sisters dead? A I have one.
Q One brother or sister? A One brother.
Q What was his name? A Mallory H. Dean.
Q How old was he at the time of his death? A He was an infant, about eight months old.
Q Are any of your mother's brothers or sisters living? A Yes sir.
Q How many? A She has five half sisters and four half brothers and one whole sister and one whole brother living.
Q Give us the name of her full brother? A Henry Walker.
Q Where does he live? A Independence, Mississippi.
Q What is the name of her full sister? A Cornelia Blair.
Q Where does she live? A Independence, Mississippi.
Q Has she any full brothers or full sisters dead? A One sister.
Q What was her name? A Nannie Sanders.
Q Are any of Nannie Sanders' children living? A Yes sir.
Q How many? A I think there are four living.
Q What are their names? A Tupper Sanders.
Q Where does he live? A I can't tell you.
Q What is the name of the next one? A Walker Sanders.
Q Where does he live? A Little Rock, Arkansas.
Q What is the name of the next one? A Carlotta Lee Sanders.
Q Is she married? A No sir.
Q Where does she live? A Little Rock.
Q What is the name of the next one? A Annie Sanders.
Q Where does she live? A Little Rock.
Q Is that all of them? A Yes sir.
Q Give us the names of your mother's half brothers who are living?
A Montezuma Walker.
Q Next one? A Jabers Walker.
Q Next one? A William Walker.
Q Next one? A Jephtha Walker.
Q Next one? A That is all her half brothers.
Q Has she any half brothers dead? A I don't know.
Q Give us the names of your mother's half sisters who are living?
A Lenora Crenshaw.
Q Where does she live? A Calhoun County, Mississippi.
Q Next one? A Junia Gordon.
Q Where does she live? A Independence.
Q What is the name of the next one? A Sallie Ravenson.
Q Where does she live? A Bet, Mississippi.
Q Next one? A Laura Ray.
Q Where does she live? A Bowman, Mississippi.
Q Next one? A Mattie Blass.
Q Where does she live? A Memphis, Tennessee.
Q Next one? A I don't know whether there are any more or not.
Q Do you think you have them all? A I reckon so, sir.
Q Are any of your mother's half sisters dead? A I don't know.
Q Has your wife any brothers living? A She has one half brother living.
Q What is his name? A J. Y. Walton, but he has no Indian blood. She has some sisters, though, who have some Indian blood.
Q What are their names? A Lizzie A. Collier.
Q Where does she live? A Shaw, Mississippi.
Q Next one? A Alberta Buck, she married lately and I don't know the name of her husband. She was living at South McAlister.
Q Next one? A That's all. She has a half sister. These two

Leonidas G. Dean et al---9

whole sisters have the same Indian blood my wife has. She has a half brother dead, Joseph Walker ; he left a child and that child is living.

Q What is the name of that child? A I don't remember it.

Q Where does he live? A Indianola, Mississippi.

Q With whom does he live? A He lives with his Aunt, Mrs. Green.

Q Has any application ever been made for him? A I think not.

Q Has your wife any other half brothers or any half sisters dead who left children or any brothers or sisters dead who left descendants? A No sir.

Q Are any of your wife's father's brothers or sisters living? A I don't know, sir.

Q Are any of the descendants of any of your wife's father's brothers or sisters living? A I don't know.

This applicant has the appearance of being a white man-- shows no indications of being possessed of Indian blood. He does not speak or understand the Choctaw language.

Ira S. Miles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, January 16th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 17th day of January, 1902, at Meridian, Mississippi.

L. B. Massey
Clerk U.S. Circuit Court, Southern
District of Mississippi.

By *J. M. [unclear]* Deputy.

Department of the Interior
Commission to the Five Civilized Tribes.
Muskogee, I. T. March 21, 1902.

4540

In the matter of the withdrawal of the application for identification as Mississippi Choctaws of Eugenia C. Dean and her minor child Guy Walker Dean made in their behalf by Leonidas G. Dean at Meridian, Mississippi, January 16, 1902. (M.C.R. 4540)

Hutchins, West & Parker, attorneys for applicants; attorney P. C. West appearing.

Comes now Leonidas G. Dean, by his attorneys, Hutchins, West and Parker, and moves the Commission to permit him to withdraw the application made by him on behalf of his wife, Eugenia C. Dean and her minor child, Guy Walker Dean, as Mississippi Choctaws, made to the Commission at Meridian, Mississippi, January 16, 1902, to the end that the said Eugenia C. Dean may now make a personal application in her own behalf and in behalf of her minor child Guy Walker Dean for identification as Mississippi Choctaws.

By the Commission.

This Motion is granted.

Leonidas Guy Dean being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Leonidas Guy Dean.
Q What is your age? A Thirty-five.
Q What is your post office address? A Shaw, Mississippi.
Q What is your occupation? A Planter.
Q Did you on the 16th day of January 1902, before the Commission to the Five Civilized Tribes, at Meridian, Mississippi, make application for your own identification as a Mississippi Choctaw and also make application for the identification of your wife Eugenia C. Dean, and your minor son Guy Walker Dean as Mississippi Choctaws? A I did.
Q Is it your desire to withdraw that application made at that time for your wife Eugenia C. Dean to the end that your wife, Eugenia C. Dean, may make her own application for herself and also for her minor son, Guy Walker Dean? A Yes, sir.

By attorney P. C. West.

- Q Mr. Dean, do you know that it is also the desire of your wife Eugenia C. Dean that this application originally made by you in her behalf be now withdrawn, in order that she may herself make application for identification as a Mississippi Choctaw for herself and her minor son? A Yes, it is by her request.
Q By her request this is done? A Yes, sir.

42
(Note: The applicant Eugenia G. Dean for whom application was made by her husband Leonidas Guy Dean, at Meridian, Mississippi, January 16th 1902, is present this day and date for the purpose of making application in her own behalf and in behalf of her minor child Guy Walker Dean and reference is here made to her testimony in M.C.R. 4999.)

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on March 21, 1902, and that the above and foregoing is a full, true and correct transcript of her stenographic notes in said cause on said date of March 1902.

G. Rosenwinkel

Subscribed and sworn to before me this 19th day of April 1902.

Clara M. Hillwood
Notary Public.

COPY:

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 4340.

MUSKOGEE, INDIAN TERRITORY, February 19, 1903.

Leonidas G. Dean,
Shaw, Mississippi.
Dear Sir:

You are hereby advised that on the 19th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John W. Lipsey, et al., embracing the following applications for identification as Mississippi Choctaws:

John W. Lipsey,	M. C. R. 3800
Mattie Alva Mason, et al.,	M. C. R. 3494
George W. Ellis, Sr., et al.,	M. C. R. 4698
William E. Ellis, et al.,	M. C. R. 5545
Itasca M. Coles, et al.,	M. C. R. 5547
John J. Ellis, sr., et. al.,	M. C. R. 5546
Maggie Wiles,	M. C. R. 5548
Joshua J. Ellis,	M. C. R. 5549
Charlie O. Ellis, et al.,	M. C. R. 5348
Walter H. Ellis,	M. C. R. 5349
Dora Gertrude Ellis Hargus, et al.,	M. C. R. 5393
Bersheba J. Burford,	M. C. R. 4617
Lillian C. House,	M. C. R. 4751
Peyton M. Self, et al.,	M. C. R. 4616
Marancy A. Dean,	M. C. R. 4749
Mattie J. Myers, et al.,	M. C. R. 5318
Lelia E. Myers,	M. C. R. 5319
Texana Tibbs,	M. C. R. 5320
Charles E. Walker, et. al.,	M. C. R. 5414
Mary E. Brown, et al.,	M. C. R. 5415
John S. Walker, et al.,	M. C. R. 5417
Henry S. Walker, et al.,	M. C. R. 5418
Kate R. Coker,	M. C. R. 5416
Ada D. Williams,	M. C. R. 4533
Ann J. Garrard,	M. C. R. 5413
Cornelia R. Blair,	M. C. R. 4538
Nellie D. House, et al.,	M. C. R. 4750
Leonidas G. Dean, et al.,	M. C. R. 4540
David W. Dean,	M. C. R. 4534

Walker Sanders,	M. C. R. 5000
Montezuma V. Walker, et al.,	M. C. R. 4319
Malcolm E. Walker,	M. C. R. 4326
Jeff E. Walker,	M. C. R. 4327
William J. Walker, et al.,	M. C. R. 4615
Junia T. Gordon, et al.,	M. C. R. 4539
Jabers N. Walker,	M. C. R. 3795
Sarah E. Eavenson, et al.,	M. C. R. 4537
Jeptha L. Walker, et al.,	M. C. R. 4536
Laura A. Ray, et al.,	M. C. R. 4532
Mattie Blass,	M. C. R. 4535

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495) which is as follows :

“Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior.”

Said decision concludes as follows :

“It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John W. Lipsey, Mattie Alva Mason, Wilma Mason, John Lipsey Mason, William B. Mason, George W. Ellis, sr., George W. Ellis, jr., Annie Louise Ellis, Henry Ellis, William E. Ellis, Lou Ellen Ellis, George W. Ellis (3), Floy G. Ellis, Itasca M. Coles, George Warren Coles, Howard Smith Coles, Elijah Coles, jr., John J. Ellis, sr., Pearl Warren Ellis, John J. Ellis, jr., Lucille H. Ellis, Maggie Wiles, Joshua J. Ellis, Charlie O. Ellis, James Ellis, Anna Ellis, Maggie Ellis, Eva Ellis, Mart Ellis, Walter H. Ellis, Dora Gertrude Ellis Hargus, Otis LeRoy Hargus, John Reed Hargus, Mary Lois Hargus, Bersheba J. Burford, Lillian C. House, Peyton M. Self, Willie E. Self, Lillian G. Self, Marancy A. Dean, Mattie J. Myers, Fred Myers, David Roy Myers, Iona Myers, Lelia E. Myers, Texana Tibbs, Charles E. Walker, John W. Walker, Saxton Walker, Mary E. Brown, Robert M. Brown, Florence Brown, Walter Brown, Ethel Brown, Edith Brown, John S. Walker, Rosa R. Walker, Mary S. Walker, Henry S. Walker, Henry S. Walker, jr., George D. Walker, Kate R Coker, Ada D. Williams, Ann J. Garrard, Cornelia R. Blair, Nellie D. House, Sam L. House, Nell House, Edna House, David L. House, Mabel House, Leonidas G. Dean, David W. Dean, Walker Sanders, Eulalia A. Sanders, Avinell Y. Sanders, Walker V. Sanders, Montezuma V. Walker, Sarah C. Walker, Malcolm E. Walker, Jeff E. Walker, William J. Walker, Florence J. Walker, William V. Walker, Kittie L. Walker, Caswell C. Walker, Jeptha B. Walker, Talbert H. Walker, Robert O. Walker, Claudie E. Walker, Junia T. Gordon, Edward W. Gordon, Willie D. Gordon, Junia A. Gordon, Robert N. Gordon, Floy Gordon,

Henry W. Gordon, Sallie I. Gordon, Lennie L. Gordon, Montie L. Gordon, Jabers N. Walker, Sarah E. Eavenson, Clarence L. Eavenson, Alfred V. Eavenson, Thomas E. Eavenson, Lenora E. Eavenson, Earnest W. Eavenson, Montezuma Eavenson, Katie B. Eavenson, George C. Eavenson, Dora A. Eavenson, Hecta B. Eavenson, Jephtha L. Walker, Charles L. Walker, Jephtha V. Walker, Edward D. Walker, William T. Walker, Laura A. Ray, Veva M. Ray, Junia V. Ray, Burtrom L. Ray, Jephtha W. Ray, Lucy J. Ray, Ethel F. Ray and Mattie Blass as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Registered.

(SIGNED)

Tams Bixby.

Acting Chairman.

M.C.R. 4540.

COPY.

Muskogee, Indian Territory, July 29, 1903.

Isenides G. Dean,
Shaw, Mississippi.

Dear Sir:

You are hereby notified that on the 1st day of July, 1903, the Secretary of the Interior affirmed the decision of this Commission on refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John W. Lipsey, et al., of which decision you were advised by registered mail on the 19th day of February, 1903.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

June 4th, 1902.

One copy of the testimony
in this case delivered to
Helding and Bailey of Chickasha
Indian Territory, to be charged
to Hutchings, West and Parker,
Attorneys for applicants.

M. C. R. 4540.

#1634

No. 4540

For Identification as a Mississippi Choctaw.
Meridian, Miss.

Date JAN 16 1902

Name Leonidas G. Dean

Age 35 Blood $\frac{1}{16}$

Post Office, Shaw, Miss.

Father: David L. Dean L

Mother: Martha Ann Elizabeth Dean ($\frac{1}{8}$) d

Claims through mother

Wife Eugenia C. Dean ($\frac{1}{8}$) 25

Father: Louisa Walker ($\frac{1}{4}$) d

Mother: Eugenia A. " L

(wife claims through father)

(Claims for self wife and one child)

Children:

Guy W. Dean 8

Father of Jephthah Walker ($\frac{1}{4}$)

Mother of Jephthah Walker = (2) d

Father of Jephthah Walker

Father of Jephthah Walker - Jones Walker,

white man whose name it is

claimed appeared

Stenographer

J. J. Niles

R. 4040

CRAW.

Granville G. Dray et al.

REFUSED

DECISION RENDERED FEB 19 1903

NOTICE OF DECISION MAILED FEB 19 1903

FEB 19 1903

U.S. DEPT. OF THE INTERIOR
BUREAU OF LANDS

FEB 19 1903

RECEIVED
FEB 19 1903

FEB 19 1903

U.S. DEPT. OF THE INTERIOR
BUREAU OF LANDS

MAR 10 1903

RECEIVED
MAR 10 1903

MAR 10 1903

U.S. DEPT. OF THE INTERIOR
BUREAU OF LANDS

JUL 29 1903

RECEIVED
JUL 29 1903

JUL 29 1903

FOR THE
AND CHICKASAW NATIONS

JUL 29 1903

*Nos 173 are identical with Nos 172 on M.C.R. Card
4999, application made by Hol. for them
withdrawn, see his testimony of March 21, 1902.*

RECEIVED M.C.R. 3800

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Alex Austin for
identification as a Mississippi Choctaw, M C R 4541,

List of papers forwarded to the Secretary of the Interior
with the record in the above case, together
with the page occupied by each
in said record.

Original application of Alex Austin before the Dawes Commission at Meridian, Mississippi, January 17, 1902, for identification as a Mississippi Choctaw.	Page. 1
Certified copy of marriage record of Alex Oyster and Harriett Nabers.	8
Affidavit of H. P. Ames as to Alex Oyster in marriage record being the same person as Alex Austin.	10
Affidavit of Tom Peterson supporting application.	11
Final decision of the Commission in the case of Alex Austin, an applicant for identification as a Mississippi Choctaw, refusing said applica- tion.	12

Choctaw MCR 4541

Alex Austin

MCR 4541

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Alex Austin for
identification as a Mississippi Choctaw, M C R 4541.

List of papers forwarded to the Secretary of the Interior
with the record in the above case, together
with the page occupied by each
in said record.

Original application of Alex Austin before the Dawes Commission at Meridian, Mississippi, January 17, 1902, for identification as a Mississippi Choctaw.	Page. 1
Certified copy of marriage record of Alex Oyster and Harriett Nabers.	8
Affidavit of M. P. Ames as to Alex Oyster in marriage record being the same person as Alex Austin.	10
Affidavit of Tom Peterson supporting application.	11
Final decision of the Commission in the case of Alex Austin, an applicant for identification as a Mississippi Choctaw, refusing said applica- tion.	12

4541

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, January 17, 1902.

In the matter of the application of Alex Austin for identification as Mississippi Choctaw.

Alex Austin, having been first duly sworn, upon his oath testified as follows:

Examination by the Commission.

- Q What is your name? A Alex Austin.
- Q How old are you? A About fifty three years old.
- Q How much Choctaw blood have you? A One quarter.
- Q What is your post office address? A Starkville, Mississippi.
- Q How long have you lived in Oktibbeha County? A Bred and born there - about three miles of the place.
- Q Lived there all your life? A Yes, sir, up until after the surrender.
- Q Where did you live then? A I went out in Alabama.
- Q How long did you live there? A About eight years, off and on.
- Q Where did you live after that? A Went back to Starkville again.
- Q You have lived in Mississippi and Alabama all of your life, then?
- A Yes, sir.
- Q You were a slave then, were you? A Yes, sir.
- Q Is your father living? A No, sir, he is dead.
- Q What was his name? A Daniel Austin.
- Q How long has he been dead? A Been dead about twenty five years.
- Q Is your mother living? A No, sir.
- Q What was her name? A Elsie.
- Q Through which one of your parents did you derive your Choctaw blood? A Mother.
- Q How old would your mother be if she were living now? A I suppose about seventy five.
- Q Did she live in Mississippi all her life? A Yes, sir, I suppose so.
- Q She was a slave, wasn't she? A Yes, sir.
- Q Did she speak or understand the Choctaw language? A I don't know whether she did or not; she always taught us that we had somuch in us, or she did, and she always taught her children that.
- Q You can't speak the Choctaw language? A No, sir.
- Q Through which one of her parents did your mother get her Choctaw blood? A From her mother, and her father both. Her mother was named Christian.
- Q Was she a slave? A I don't think she was; I don't know how that happened but --- my grand father, his name was John.
- Q John what? A That's all - just John.
- Q How much Choctaw blood did he have? A My mother said he was three quarters; that was my grand father.
- Q Was he a slave? A I don't know, sir; I suppose he was.
- Q Well, now, your mother's mother - how much Choctaw blood did she have? A She was about three quarters. That's what the old lady taught the children.
- Q Did you know either one of your grand parents? A No, sir, didn't know either one of them only from what she taught us.
- Q You don't know where they lived during their life times? A No, sir.

Alex Austin, 2.

Q Or whether they understood or spoke the Choctaw language? A No, sir, I don't know whether they did or not, but I suppose they did.
My great grand mother was a full breed.
Q What was her name? A She was also named Christian.
Q Did she have any other name besides Christian? A No, sir.
Q Did you ever see your great grand mother? A She was dead, I suppose before I was born.
Q Do you know any other one of your ancestors besides those given by you? A I had an uncle by the name of John.
Q Your mother's brother? A Yes, sir.
Q Do you know the names of any others? A No, sir, outside of those.
Q What other name did John have? A None other as I know of.
Q Where did he live, here in Mississippi? A I suppose so; I didn't know him even.
Q Are you married? A No, sir, I am not married now.
Q How many times have you been married? A Two.
Q Both of your wife's dead? A No, sir; one gone away and the other's left. One is in Chicago; the other - me and her parted; one lives in Chicago now.
Q Is she your first wife? A Yes, sir.
Q Have you any children by her? A Yes, the only one I have children by.
Q None by your second wife? A No, sir.
Q And your second wife and you are parted? A Yes sir.
Q Were you married to your first wife under a license? A Yes, sir.
Q Where did you get your license to marry your first wife?
A There at Starkville.
Q Who married you? A Parson Sellers, a white man. Maybe you might have heard of him.
Q Where were you married? A Out there not far from Starkville - about four miles.
Q What the name of your wife? A Harriet.
Q Did she have any Choctaw blood? A If she did, I don't know it.
Q Was a colored woman? A Yes, sir.
Q And you had no children by your second wife? A None at all whatever.
Q What's your second wife's name? A Her name was Catherine.
Q How long have you been separated from her? A Four or five years.
Q Have you any children living under twenty one years of age and unmarried? A One.
Q What's that child's name? A Willie.
Q About how old? A She's about fourteen.
Q Is Willie living with you now? A No, sir; she's living with her mother.
Q How long has she been with her mother? A All the while; ever since she left and went to Chicago.
Q How long have you been separated from your first wife? A That child was about two or three months old and went away.
Q Do you want to make application for her? A No.
Q This application, then, is for yourself and only? A Yes, sir.
Q Is your name on any of the Choctaw tribal rolls in Indian Territory? A No, sir.
Q Did you ever make application to the Choctaw tribal authorities in Indian Territory to be admitted or enrolled as a member of that tribe? A None whatever.
Q Did you, in the year 1896, make application to this Commission for citizenship in the Choctaw Nation under the Act of Congress approved June 10, 1896? A No, sir.
Q Have you ever made any application of any description before to-day? A None whatever.

Alex Austin, 3.

Q Do you appear before the Commissionat this time for the purpose of claiming rights in the Choctaw Nation, Indian Territory, under article 14 of the treaty of Dancing Rabbit Creek? A Yes, sir.
Q Do you understand article 14 of the treaty of Dancing Rabbit Creek? A Well, I have heard it repeated is about all I know about the meaning of it.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, over seventy one years ago, between the United States Government and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, a part of which is now occupied by the greater portion of the Choctaw tribe of Indians, and is commonly known as the Choctaw Nation, Indian Territory. At the time the treaty was made some of the Indians were unwilling to leave this country, and for the benefit of those who wanted to stay here, what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who preferred to stay here in Mississippi might do so, and might receive land here in Mississippi from the Government. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him ever ten years; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said land, intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you understand that 14th article now? A Yes, sir; I think I understand it now pretty well.

Q Did any of your ancestors ever comply or attempt to comply with its provisions, or ever receive any benefits under that article? A No, sir, none that I have heard of.

Q Did any of them own an improvement here in the old Choctaw Nation, in Mississippi and Alabama, in the year 1830, when this treaty was made? A I never heard of it; I couldn't say; they were gone before I remember.

Alex Austin, 4.

Q Did any of them remove from the old Choctaw Nation, here in Mississippi and Alabama, to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A Not as I know of.

Q Were any of them recognized members of the Choctaw tribe of Indians here at that time? A I couldn't say.

Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi for the Choctaws know that they wanted to stay here in Mississippi and become citizens of the States and take land? A Not as I know of.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A No, sir.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under any other article of that treaty, or under the supplement to that treaty? A None that I know of.

Q Did any of them ever claim or receive any land here in Mississippi from the Government? A Not that I know of.

Q Or any money from the Government? A No, sir.

Q Were any of them ever recognized members of the Choctaw tribe of Indians? A I don't know, sir.

Q Did any of them ever receive any benefits as such? A No, sir.

Q Did any of them ever live in Indian Territory? A No, sir.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain herein Mississippi and become citizens of the States and take land under that article. The records of the Government show that this agent failed to register and report to the Government the names of many Indians who did in fact let him know they wanted to stay here and become citizens of the States, and on this account, the Government of the United States, at its public land sales here in Mississippi, in many instances sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under article 14 of the treaty of Dancing Rabbit Creek. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed an Act which was approved on the third day of March, 1837, providing for the appointment of a commission to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. This commission was duly appointed by the President of the United States and the commissioners came down here to Mississippi and heard a few of these Choctaw cases, but in the time allowed them by the Act of Congress under which they were appointed, and a later

Alex Austin, 5.

Act of Congress, which was approved on the 22nd day of February, 1837, providing for the continuance of this commission, they were unable to dispose of but a comparatively small number of these cases. It, therefore, became necessary for Congress to make further provisions by which the remainder of these Indians might be given hearings, so another Act was passed which was approved on the 22nd day of August, 1842, providing for the appointment of another commission to come down here to Mississippi and finish up the hearing of these cases. This commission was duly appointed by the President of the United States, and the commissioners came down here to Mississippi in the 40's and heard a great many of these cases.

Q Did any of your ancestors appear before either of these commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A Not that I know of.

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in lieu thereof land elsewhere in Mississippi, or in Alabama, or Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any of this scrip from the Government of the United States under this Act of Congress? A Not as I know of.

Q Did you ever see, or hear of, any deed or patent, issued to any of your ancestors covering land here in Mississippi received from the Government of the United States? A No, sir.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, sir, I don't know anything about it.

Q Have you any witnesses here to-day? A No, sir.

If you should find any witnesses whose testimony you desire to have taken by the Commission, they may appear before the Commission here in Meridian, before the 15th of next month or within a reasonable time thereafter at the General office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Have you any brothers living? A Yes, sir.

Q How many? A Four.

Q Full brothers? A Yes, sir.

Q What are their names? A Edward Austin.

Alex Austin, 6.

Q Next one? A John.
Q Next one? A William.
Q Next one? A Joel.
Q That's all? A Yes, sir, all the brothers.
Q Where do they live - those brothers? A Ed lives not far from where I am.
Q The next one? A Lives about eighteen miles; the other two lives about eighteen miles; the other one lives in Texas; Edward lives in Texas.
Q Have any of them been before the Commission? A No, sir.
Q How many sisters have you living? A Two.
Q What are their names? A Patsy Gray.
Q Where does she live? A In Tennessee; Curve, Tennessee.
Q What's the name of the other sister? A Jane Alston. She lives about five miles from me; south of me.
Q Have you any brothers or sisters dead who left children? A Yes, sir, one sister dead who left children.
Q Where do they live? A They live in Oktibbeha County, near the line of Choctaw.
Q How many children are living now? A I don't know, sir, exactly; I never visited them much.
Q With whom do they live? A Their father - them that's not married.
Q What's his name? A Jim Bradley.
Q Have any of these children been before the Commission? A No, sir.
Q Has the father of these children made any application in their behalf? A No, sir.
Q You have no other brothers or sisters deceased who left children? A No, sir; that's all.
Q What was the name of this sister? A Cornelia.
Q Any of your mother's brothers or sisters, or any of their children living? A No, sir, none that I know of.
Q How many children have you living who are of age or married?
A Three living.
Q What are their names? A Jimmie Austin; he lives in Chicago. Tommie Austin, he lives in Louis, Missouri.
Q Next one? A Tres Austin; he is in Chicago.
Q Have you any children dead who left children? A No, sir.
Q Has any one of these three been before the Commission? A No, sir, none of them has not.

(This applicant has the appearance of being a negro, and shows no indication of being possessed of Indian blood. He does not speak or understand the Choctaw language.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 17th day of January, 1902, and that the above and

Alex Austin, ?.

foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. S. Street

Subscribed and sworn to before me at Meridian, Mississippi,
this 20th day of January, 1908.

L. B. Mosely,

Clerk U.S. Circuit Court,
Southern District of Mississippi,

By *[Signature]*

Deputy.

GA. L.
Coll.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Alex Austin for
identification as a Mississippi Choctaw, N. C. H. 4541.

--- DECISION ---

It appears from the record herein that an application for
identification as a Mississippi Choctaw was made to this Commission
by Alex Austin for himself under the following provision of the
act of Congress approved June 25, 1890, (26 Stat., 480):

"Said Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw
lands under article fourteen of the treaty between the
United States and the Choctaw Nation, concluded September
twenty-seventh, eighteen hundred and thirty, and to that
end may administer oaths, examine witnesses and perform
all other acts necessary thereto and make report to the
Secretary of the Interior."

It also appears that said applicant claims rights in the
Choctaw lands under article fourteen of the treaty between the
United States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, by reason of being the great
grandson of one Christian, who is alleged to have been a full blood
Choctaw Indian, and the grandson of John and Christian, who are
alleged to have been three-fourths blood Choctaw Indians.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission that said applicant has never been enrolled by the Chectaw tribal authorities as a member of the Chectaw tribe, or admitted to Chectaw citizenship by a duly constituted court or committee of the Chectaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress approved June 18, 1894, (28 Stat., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that any person by the name of Christian, or that the said John, or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Chectaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stat., 180), and August 25, 1842, (5 Stat., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of

2.

Alon Austin as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for his identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

(SIGNED)

Tams Birby.

Acting Chairman.

(SIGNED)

T. B. Needles.

Secretary.

(SIGNED)

C. B. Dickinson.

Commissioner.

Muskogee, Indian Territory.

OCT 29 1902

M.C. 4541

Muskogee, Indian Territory, February 13, 1902.

J. M. Arnold,

Attorney at Law,

Atoka, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of the eleventh instant, inclosing affidavit of Tom Peterson and certified copy of marriage license and certificate between Alex Oyster and Harriett Hubers, together with affidavit of M. F. Ames that the Alex Oyster named in said license and certificate is Alex Austin, the applicant to the Commission for identification as a Mississippi Choctaw and the same have been filed with the record in the case of Alex Austin, M.C. 4541.

Yours truly,

Commissioner in Charge.

CC-7

M.C.R.4541.

Muskogee, Indian Territory, October 29, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 29th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Alex Austin, an applicant for identification as a Mississippi Choctaw.

The application was made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision is as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alex Austin as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for his identification as such should be refused, and it is so ordered."

You are further advised that the applicant in this case has been allowed fifteen days from the date hereof within which to file

H., Wash. & C., D.

arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

James Birby.
Acting Chairman.

COPY.

M.C.R.4841.

Muskogee, Indian Territory, October 29, 1902.

Alex Austin,

Starkville, Mississippi.

Dear Sir:-

You are hereby advised that on the 29th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Alex Austin, an applicant for identification as a Mississippi Choctaw.

The application was made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision is as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alex Austin as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for his identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office,

A. A. S.

and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED:

Tame Birby.
Acting Chairman.

Registered.

COPY.

Muskogee, Indian Territory, November 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Alex Austin, an applicant to the Commission for identification as a Mississippi Choctaw, including the decision of the Commission of October 20, 1902.

The Commission has the honor to report that the applicant and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Tamm
Acting Chairman.

Through the
Commissioner of Indian Affairs.

Enc. M.C.R. 4541.

Land, 68818-1902.

(COPY)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, Jan. 16, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to submit, herewith, for your consideration, application of Alex. Austin, for identification as a Mississippi Choctaw Indian, wherein a decision adverse to him was rendered by the Commission to the Five Civilized Tribes October 29, 1902.

The testimony in this case shows that the applicant bases his claim to identification, "by reason of being the great grandson of one Christian, who is alleged to have been a full blood Choctaw Indian, and the grand-son of John and Christian, who are alleged to have been three-fourths blood* Choctaw Indians and members of the Choctaw tribe of Indians in Mississippi in 1830.

The Commission rejected the applicants because it did not appear from its records that the ancestor claimed under by the applicant complied or attempted to comply with the provisions of the 14th article of the treaty of 1830.

An examination of the records of this office discloses the fact that the names of Christian, John and Christian do not appear among the names of those Choctaw Indians who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, neither does it appear that they applied to the Commissions appointed under the Acts of March 3, 1837 and August 23, 1842, for an adjudication of their rights, if they had any, as Choctaw Indians.

These being the facts, it is evident that the decision of the
Commission is correct, and I concur in that finding and recommend
that it be approved.

Very respectfully,

W. A. Jones,

Commissioner.

C.T.S.
L.

D.C.-2324-1903.

(COPY)

J.W.H.

DEPARTMENT OF THE INTERIOR,
WASHINGTON, January 21, 1903.

I.T.D.4704-1902

6807-

454-1903.

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

November 14, 1902, you transmitted the record of proceedings in the matter of the application for identification as a Mississippi Choctaw of Alex Austin (M.C.R.4541), including your decision of October 29, 1902, refusing to identify him as such.

This applicant appeared before you at Meridian, Mississippi, January 17, 1902, and from his statement it appears that he is a 1/4 blood Choctaw Indian now 34 years of age, and was formerly a slave. He has lived in Mississippi and Alabama all his life. His father, Daniel Austin, was a negro; his mother, Elsie, was born about 1827, and lived in Mississippi all her life. She was a slave. Her father was named John. He was a 3/4 blood Choctaw Indian. Her mother, Christian, was a 3/4 blood Choctaw, and her grandmother, of the same name, was a full blood Choctaw woman.

In said decision of October 29, 1902, you denied this application because

"It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that any person by the name of Christian, or that the said John, or an ancestor less remote, signified in person or by

proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 515)."

January 16, 1902, the Commissioner of Indian Affairs reporting in the matter, recommended that your action be approved and stated

"An examination of the records of this office discloses the fact that the names of Christian, or John and Christian do not appear among the names of those Choctaw Indians who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, neither does it appear that they applied to the Commissions appointed under Acts of March 3, 1837 and August 23, 1842, for an adjudication of their rights, if they had any, as Choctaw Indians."

That the Commissioner is mistaken in said report appears from two previous reports made by the Indian Office. In that of August 2, 1902 (Land 42354-1902), reporting in the matter of Alverta King, et al., applicants for identification as Mississippi Choctaws, the Acting Commissioner stated

"Six different persons named John appear as claimants under said 14th article,"

and in the report of November 3, 1902 (Land 31838-1902), relative to the Mississippi Choctaw case of Emma Poe, et al., the Commissioner reported that

"The records of this office show that of the Choctaw Indians who were beneficiaries under the 14th article of the treaty of 1830 John, a son of Nok-o-an-tubbe, under ten years of age, received land through his father; Johnny, under ten years of age, a son of Ok-li-ah Johnny, under ten years of age, a son of Kun-ne-ah-honah; John, over ten years of age, a son of Bah-pis-sah, and John, over ten years of age, a son of Pah-hah-cho, received scrip under the 14th article of the treaty of 1830. There were afterwards born Johnny, a son of Jim Tom and John, a son of Pah-fah-mo-ah, the fathers having been beneficiaries under the 14th article."

As there is nothing in the testimony furnished by the applicant

which shows that any of his alleged ancestors ever complied or attempted to comply with the provisions of said article or acts, or that his grandfather, John, was identical with any of the persons named in said reports, it can not be held that the applicant has established his claim.

Finding no cause to disturb your decision, the same is accordingly affirmed. A copy of the Commissioner's letter is inclosed herewith.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

M.O.R. 4541

COPY.

Muskogee, Indian Territory, January 31, 1903.

Alex Austin,

Starkville, Mississippi.

Dear Sir:

You are hereby notified that on the 31st day of January, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing your application for identification as a Mississippi Choctaw, of which decision you were advised by registered mail on the 26th day of October, 1902.

Respectfully,

SIGNED,

Tamr Bixby.
Selling Chairman.

COPY.

H.C.R. 4541

Muskogee, Indian Territory, January 31, 1903.

Manafield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 21st day of January, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as a Mississippi Choctaw of Alex Austin, of which decision you were advised by mail on the 29th day of October, 1902.

Respectfully,

W. J. BENTLEY

Tame Pinky
Acting Chairman.

No. 4541

For Identification as a Mississippi Choctaw.
Meridian, Miss.

JAN 17 1902

Date

Name

Alex Austin

Age

53

Blood

1/4

Post Office,

Starkville, Miss

Father:

Daniel Austin

d

Mother:

Eli

"

(1/2) d

Claims through

mother

(Claims for self only)

Children:

Mother & Eli = Christian d

Father " John d

Stenographer

R. S. Strain

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Tom Ham, et al., for
identification as Mississippi Choctaws, No. 4342.

List of papers forwarded to the Secretary of the Interior comprising
the record in the case of Tom Ham, et al.

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Choctaw MCR 4542

Tom Ham

MCR 4542

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Tom Ham, et al., for
identification as Mississippi Choctaws, M.O.R. 4542.

List of papers forwarded to the Secretary of the Interior comprising
the record in the case of Tom Ham, et al.

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4542

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, January 17, 1902.

In the matter of the application of Tom Ham for the identification of himself and five minor children, James, Walter, Frances, Lizzie and Muggie Ham, as Mississippi Choctaws.

Tom Ham, having been first duly sworn, upon his oath testified as follows:

Examination by the Commission.

- Q What is your name? A Tom Ham.
Q How old are you? A I am in fifty years old.
Q How much Choctaw blood do you claim? A One fourth.
Q Were you a slave? A Yes, sir.
Q What's your post office address? A Starkville, Mississippi.
Q How long have you lived in Oktibbeha County? A I don't know, exactly; I was born in Hinds County, and moved up there when I was four or five years old.
Q And have lived there ever since? A Yes, sir.
Q Is your father living? A No, sir, been dead now about five or six years.
Q What was his name? A Tom.
Q Tom Ham? A No, sir, when he had my mother, he belonged to Mr. Winters.
Q Tom Winters, then? A Yes, sir.
Q Is your mother living? A No, sir.
Q What was her name? A Frances Reeves.
Q Through which one of your parents do you derive your Choctaw blood? A My father.
Q How old would he be if he were living now? A Well, I don't know, sir; I couldn't tell you.
Q About how old? A I suggest he might have been somewhere in the neighborhood of sixty five or seventy years old. About sixty five anyhow.
Q Did he live in the State of Mississippi all his life? A Yes, sir.
Q He was a slave, was he? A Yes, sir.
Q And your mother was a slave? A Yes, sir.
Q Were your father and mother lawfully married? A Yes, sir.
Q They were? A Yes, sir, they were.
Q How long did they live together as man and wife? A I think my mother said in the neighborhood of seven or eight years.
Q That is, during slavery times they stayed together? A Yes, sir, then they were separated.
Q They were not together after the slaves were freed were they?
A No, sir.
Q They lived together, and were married, according to slavery custom? A Yes, sir; that was her first husband.
Q Through which one of his parents did your father get his Choctaw blood? A He got it from his father.
Q What was his father's name? A Tom.
Q Tom what? A Called him Tom Indian is all I know.
Q He was a full blood? A Yes, sir.
Q Did you ever see him? A I never saw him.

Tom Ham, et al., 2.

- Q Did your father speak or understand the Choctaw language? A I don't know, sir, I was carried away when a small boy, and I never saw him any more until '70, I believe, in '70, and then we heard of where he was, and he sent for me in Columbus.
- Q He was a half blood Choctaw, your father was? A Yes, sir.
- Q Did your grand father always live here in Mississippi? A Well, I don't know, sir.
- Q You don't know anything about him? A No more than what my mother said my father told her.
- Q You don't know that he was a full blood Indian? A My grand father
- Q Yes? A I couldn't tell anything about that.
- Q Did he have a Choctaw name? A Well, I don't know, sir, my father told me he was named after his father, and he named my father after him.
- Q Are you married at this time? A No, sir.
- Q Were you married more than once? A No, sir.
- Q Was your wife married more than once? A No sir.
- Q What was her name? A Ann.
- Q Did she have any Choctaw blood? A Not as I know of.
- Q Colored woman? A Yes, sir.
- Q How many children have you living who are under twenty one years of age and unmarried? A Five.
- Q What are their names and ages? A James Ham.
- Q How old? A About twenty years old.
- Q Next one? A Walter.
- Q How old? A Eighteen years old.
- Q Next one? A Frances.
- Q Girl or boy? A Girl.
- Q How old? A She is sixteen years old.
- Q Next one? A Lizzie.
- Q How old? A She is fourteen years old.
- Q Next one? A Muggie.
- Q How old is she? A Twelve years old.
- Q This application, then, is for yourself and five minor children, is that correct? A Yes, sir.
- Q Were you married to Ann under a license? A Yes, sir.
- Q When? A In '74, I believe.
- Q Where? A Starkville, Mississippi.
- Q Who married you? A Old gentleman by the name of Nick Anderson, parson.
- Q Have you your marriage license and certificate with you at this time? A No, sir, I aint got them.

It will be necessary for you to furnish the Commission with proper evidence of your marriage to your wife, Ann, to be used in connection with the application which you make in behalf of your five minor children. You may furnish such evidence in a reasonable time; the Commission would be glad to have you furnish the same within thirty days from this date, if possible.

- Q Is your name, or the name of any one of these children, to be found upon any of the Choctaw tribal rolls in Indian Territory? A No, sir.
- Q Did you ever make application to the Choctaw tribal authorities in Indian Territory for yourself or any one of these children to be admitted or enrolled as a member of that tribe? A No, sir.

Tom Ham, et al., 3.

Q Did you, or any one for you, in the year 1896, make application to this Commission for citizenship in the Choctaw Nation for yourself or any one of these children? A No, sir.

Q Do you appear before the Commission at this time for the purpose of making application - claiming rights in the Choctaw lands in Indian Territory under article 14 of the treaty of Dancing Rabbit Creek? A Yes, sir.

Q Do you understand the 14th article of the treaty of Dancing Rabbit Creek? A Not exactly.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to secure the removal of these Indians from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, a part of which is now occupied by the greater portion of the Choctaw tribe of Indians, and is commonly known as the Choctaw Nation, Indian Territory. At the time the treaty was made, some of the Indians were unwilling to leave this country, and for the benefit of those who wanted to stay here, what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions, a Choctaw who preferred to stay here in Mississippi might do so and might receive land here in Mississippi from the Government. The 14th article of the treaty is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

You understand that 14th article now? A Yes, sir.

Q Did any of your ancestors ever comply or attempt to comply with its provisions, or ever receive any benefits under that 14th article? A No, sir.

Q Were any of them recognized members of the Choctaw tribe of Indians at the time this treaty was made? A No, sir, not that I know of.

Tom Ham, et al., 4.

Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama, in the year 1830, when this treaty was made? A I don't know anything about that.

Q Did any of them live here at that time? A I don't know, sir; I couldn't tell.

Q Did any of them remove from the old Choctaw Nation, here in Mississippi and Alabama, to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the

Choctaw tribe of Indians, between the years 1833 and 1838? A Not that I know of.

Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi know that they wanted to stay here in Mississippi and become citizens of the States and take land? A I don't know, sir, anything about that.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A Not that I know of.

Q Or under any other article of that treaty, or under the supplement thereto? A Not that I know of.

Q Were any of your ancestors ever recognized members of the Choctaw tribe of Indians? A Not that I know of.

Q Did any of them ever receive any benefits as such? A Not that I know of.

Q Any of them ever live in Indian Territory? A I don't know, sir; I was nothing but a little chap.

Q Did you ever see, or hear of, any deed or patent, issued to any of your ancestors by the Government of the United States, covering land here in Mississippi received by them under article 14 of the treaty of Dancing Rabbit Creek? A Not that I know of.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The record of the Government show that this agent failed to register and report to the Government the names of many Choctaws who did in fact let him know they wanted to stay here and become citizens of the states and take land, and on this account, the Government, at its public land sales here in Mississippi, in many instances, sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under article 14 of the treaty of Dancing Rabbit Creek. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed an Act which was approved on the 3rd day of March, 1837, providing for the appointment of a commission to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. This commission was duly appointed by the President of the United States and the commissioners came down here to Mississippi in the latter part of the 30's, and heard a few of these Choctaw cases, but in the time allowed them by

Tom Ham, et al., 5.

the Act of Congress under which they were appointed, and a later Act of Congress which was approved on the 22nd day of February, 1838, providing for the continuance of this commission, they were unable to dispose of but a comparatively small number of these cases. It, therefore, became necessary for Congress to make further provisions by which the remainder of these Indians might be given hearings, so another Act was passed which was approved on the 23rd day of August, 1842, providing for the appointment of another commission to come down here to Mississippi and finish up the hearing of these cases. This commission was duly appointed by the President of the United States and the commissioners came down here to Mississippi in the 40's, and heard a great many more of these cases.

Q Did any of your ancestors appear before either of these commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A No, sir, not as I know of.

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government, he should be entitled to select in lieu thereof land elsewhere in Mississippi, or in Alabama, or Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any of this scrip from the Government of the United States under this Act of Congress? A No, sir, not that I know of.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, sir, not that I know of.

Q Don't know of any one? A No, sir.

Q Have you any witnesses here to-day? A No.

Q Do you know any one living who would be able to support your testimony as to the amount of Choctaw blood possessed by you?

A My mother Frances Reeves, who lives in Oktibbeha County; my mother lives about seven miles south of Starkville, and George McGhee, who lives in Starkville.

If you should see fit to cause any witnesses to appear before the Commission to testify in support of your application, they may appear here at Meridian before the 15th of next month, or within a reasonable time thereafter at the General office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Have you any brothers living? A No, sir, I have sisters living.

Tom Ham, et al., &c.

Q What are their names? A Eric Hollinshed.
Q Where does she live? A She lives there near the post office at Starkville.
Q Has she ever been before the Commission? A No, sir.
Q Have you any brothers or sisters dead? A No, sir.
Q Is this woman a full sister of yours? A Yes, sir.
Q Are any of your father's brothers or sisters, or any of their children living? A No, sir.

(This applicant has the appearance of being a negro, and shows no indication of being possessed of Indian blood. He does not speak or understand the Choctaw language.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 17th day of January, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. S. Streit

Subscribed and sworn to before me at Meridian, Mississippi, this 28th day of January, 1902.

L. B. Mosley
Clerk U. S. Circuit Court,
Southern District of Mississippi.

By *[Signature]*

Deputy.

C.W.

COPY
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Tom Ham, et al.,
for identification as Mississippi Choctaws, H.C.R. 4542

-----D E C I S I O N -----

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Tom Ham for himself and his five minor children, James, Walter, Frances, Lissie and Maggie Ham, under the following provision of the act of Congress approved June 22, 1906 (34 Stat. 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears from the testimony that the principal applicant was born of a slave mother, prior to the Emancipation Proclamation, and was himself a slave, and that the minor applicants are his lineal descendants; and it does not appear from the records in the possession of the Commission that any one of said applicants has ever been enrolled by the Choctaw tribal authorities as a member

of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats. 321).

It is the opinion of this Commission that under the provision of law above quoted, no freedman is entitled to identification as a Mississippi Choctaw, and that the applications of Tom Ham, James Ham, Walter Ham, Frances Ham, Lissie Ham and Maggie Ham as such should, therefore, be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

(SIGNED)

Tame Bixby

Acting Chairman

(SIGNED)

T. B. Needles

Commissioner

(SIGNED)

C. R. Breckinridge

Commissioner

Muskogee, Indian Territory

DEC 6 1902

M.C.R. 4542.

COPY.

Muskogee, Indian Territory, December 8, 1902.

Tom Ham,
Starkville, Mississippi.

Dear Sir:

You are hereby advised that on the 6th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Tom Ham, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 26, 1898 (30 Stat., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is the opinion of this Commission that under the provision of law above quoted, no freedman is entitled to identification as a Mississippi Choctaw, and that the applications of Tom Ham, James Ham, Walter Ham, Frances Ham, Lizzie Ham and Muggie Ham as such should, therefore, be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded for review to

L.H. 44-10

The Secretary of the Board of Directors, the Commissioner of Indian
Affairs.

Respectfully,

SIGNED

Tanne Bissett

Acting Chairman.

Register.

H.C.R. 4542.

COPY

Muskogee, Indian Territory, December 8, 1902.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 6th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Tom Ham, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is the opinion of this Commission that under the provision of law above quoted, no freedman is entitled to identification as a Mississippi Choctaw, and that the applications of Tom Ham, James Ham, Walter Ham, Frances Ham, Lizzie Ham and Muggie Ham as such should, therefore, be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

James Dixby.

Acting Chairman.

COPY.

Muskogee, Indian Territory, December 22, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Tom Ham, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of December 6, 1902.

The Commission has the honor to report that the principal applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Through the

Commissioner of Indian Affairs.

Enc. M.C.R. 4542.

SIGNED

Tame Dixby

Acting Chairman.

Land
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C O P Y
DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON,

March 5, 1903.

The Honorable,

The Secretary of the Interior.

Sir:-

There is transmitted, herewith, for your consideration, the record of the Commission to the Five Civilized Tribes, in the matter of the application of Tom Ham, for himself and his five minor children James, Walter, Francis, Lizzie and Maggie Ham, for identification as Mississippi Choctaws, claiming rights as such under the provisions of the 14th article of the Choctaw treaty of 1830.

The testimony in this case shows that the applicants base their claim to identification under this application, on their descent from Tom Indian, who it is alleged was a Choctaw Indian, and a resident of the Choctaw Nation, in Mississippi at the time of the making of the treaty of 1830, through Tom Winters, his son.

The Commission rejected the applicants December 6, 1902, because it appears from the testimony that the principal applicant was born of a slave mother prior to the Emancipation Proclamation, and was himself a slave; and that the minor applicants are his lineal descendants; and for the additional reason that the applicants had never been enrolled as citizens of the Choctaw Nation.

An examination has been made of the records in this office with reference to the name of Tom Indian, and it is discovered that there was a Tom, child of Achabah, who received scrip. The record

evidence of Volume 102, evidence in Choctaw claims, depositions taken by Commissioners Murray and Vroom is as follows:

Achebah, a full-blood Choctaw age 45 years, being interrogated says: her name is Achebah; that at the treaty she had five children, the eldest,

1. Oglees-ha-tubbee, a male (points him out), now twenty-four (24) years old, unmarried at the time of the treaty; has been married about four years; his wife's name is Okaintoba; her father has been dead a long time before the treaty; her mother is living; her name is Faoha.

2. Wah-kais-nubbee, a male (points him out), is now twenty-two (22) years old; has never been married.

3. Heka, a male (points him out), does not know his age; he was under ten at the date of the treaty, (15).

4. Tuka-lan-nubbee, a male present (points him out), does not know his age; he was under ten years at the date of the treaty (14).

5. Tom, a male present (points him out), does not know his age; he was under ten years of age at the date of the treaty.

These children all lived with her at the time of the treaty; she resided at the date of the treaty on Hale-bush. Cole. Fisher is her counsel. Neo-a-chuk-ma, a full blood Choctaw, a witness for claimant being sworn by one of the Commissioners, deposes as follows:

That he is acquainted with Achebah, the claimant, (points her out); knew her at the time of the treaty and before; knew her family at the time and long before; they lived at that time and a great while before on Hale-bush, a creek emptying into the Pearl river about 2 1/2 miles from the mouth of the creek and half a mile from witness. He saw the family often about the time of the treaty; claimant had at the time of the treaty; claimant had at the time a family of five children; her husband is now living; his name is Ona-twe-tubbee. He threw away his wife a short time before the treaty. He is very sure it was before, but does not recollect how long. He went away up toward the head of Yee-neek, and, after, he threw his wife away and got another wife. He still lives there; all the children named remained with his wife; the eldest child is named:

1. Ogle-saha-tubbee, a male (pointing him out), is now 24 years old; was unmarried at the date of the treaty; has been married about two years to Ok-a-in-tela; her father has been dead a great while; does not recollect his name; her mother is now living named Faoha; she is here and a claimant as head of a family.

2. Wah-kais-nubbee, a male present (points him out), he is now twenty-two years of age; he has never been married.

3. Pis-aho-ka-tubbee, a male (points him out), he was under ten at the time of the treaty.

4. Tuk-ala-ubbee, a male present (points him out), under ten years at the date of the treaty.

5. Tom, a male (points him out), under ten years at the time of the treaty.

These children were all unmarried and living with their mother

at the time of the treaty. At the time of the treaty Acheba had a house and feild in which she lived at that time and long before; she has lived there ever since. He was at Ben LeFlore's at the time of the payment of the annuity; Acheba was there with all her children; does not think her husband was there; has no knowledge that she went before Colo. Ward to be registered. He was at Turnbull's at the council did not see Acheba's husband, Ona-towe-tubbee there and does not know whether he was there or not.

He saw the claimants go to Turnbull to be registered; her children were all present and had their names put on the list. We-shoc-she-hona took the list; has no knowledge what became of it; he never saw it afterwards; he is sure he never saw it afterwards. Claimant belonged at the time of the treaty and before to We-shoc-she-hona's company. He does not know to what company her husband belonged at the time of the treaty. He belongs at this time to We-shoc-she-hona's company. Does not know when he joined We-shoc-she-hona's company. Has seen him with the company lately. Is not related to claimant; has no interest in her claim. The land claimed by Achebah has not to his knowledge been sold by the government. Witness is a claimant under the 14th article of the treaty as head of a family. He belongs to Cobb's company.

Taken and sworn to at
LeFlore's this 29th day of }
January, 1838, before }

J. Murray,
P.D. Vroom.

hook-a-chuk-na his
X
mark

These being the facts it is respectfully recommended that the case be remanded to the Commission for a re-hearing, and the applicants given time to secure such evidence as they may deem wise to establish the identity of the Tom Indian through whom they claim with the Tom that appears on our records.

Very respectfully,

A. C. Tonner,

Acting Commissioner

C.T.C. (E)

D.C.13853
I.T.D. 2606-1903
LRS

C O P Y
DEPARTMENT OF THE INTERIOR,
WASHINGTON.

JWH
FHE
May 7, 1903.

Commission to the Five Civilized Tribes,
Muskegee, Indian Territory.

Gentlemen:

December 22, 1902, you transmitted the record in the case involving the application for identification as Mississippi Choctaws of Tom Ham (M.C.R.4542), for himself and his five minor children, James, Walter, Frances, Lizzie, and Muggie Ham, including your decision of December 6, 1902, refusing to identify them as such.

The principal applicant, who is a quarter blood Choctaw and an ex-slave, was born in 1852 in Hinds County, Mississippi. From there he removed, when five years of age, to Oktibbeha County, in that State, where he has since resided. He obtained his Choctaw blood from his father, who was an one-half blood Choctaw named Tom, alias Tom Winters. The latter was born in 1832, or 1837, and lived in Mississippi all his life. He was a slave.

In view of the fact that the said Tom was born after the treaty of 1830, it is evident that he was not a beneficiary thereunder. His father was a full blood Choctaw, and was also named Tom, or Tom Indian.

In this connection it is noted that the latter must have been a grown man at the date of the treaty, inasmuch as his son Tom, who was the father of the principal applicant, was born in 1832.

Reporting in the matter March 5, 1903, the Acting Commissioner of Indian Affairs furnished certain information relative to a person named Tom, who received scrip by reason of article 14 of

of the treaty of September 27, 1830, and recommended that the applicants be given time to secure such evidence as they may deem wise to establish the identity of the Tom Indian through whom they claim, with the Tom whose name appears on the records of the Indian Office.

Said report shows that the Tom referred to therein was under ten years of age at the date of the treaty. He could not therefore have been identical in person with the grandfather of the principal applicant, inasmuch as the latter was a grown man at the date of the treaty. The Department therefore considers, in view of the facts recited above, that a rehearing in this case would prove of no advantage to the applicants, and your decision is accordingly affirmed. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

THOS RYAN

Acting Secretary.

1 inclosure.

COPY.

M.C.R. 4542

Muskogee, Indian Territory, May 19, 1903.

Manafield, McMurray and Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 7th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Tom Ham, et al., of which decision you were advised by mail on the 6th day of December, 1902.

Respectfully,

(SIGNED)

Tamie Bixby.
Chairman.

COPY.

M.O.R. 4542

Muskogee, Indian Territory, May 19, 1903.

Tom Ham,

Starkville, Mississippi.

Dear Sir:

You are hereby notified that on the 7th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Tom Ham, et al., of which decision you were advised by registered mail on the 6th day of December, 1902.

Respectfully,

(SIGNED)

James Bixby

Chairman.

76 76

No. 4542

For Identification as a Mississippi Choctaw.

Meridian, Miss.

Date

JAN 17 1902

Name

Tom Ham

Age

50

Blood

1/4

Post Office,

Starkville, Miss.

Father:

Tom Winters

d

Mother:

Frances (Rever)

d

Claims through

father

Ann

Ham

d

(no Choctaw blood)

(Quinn for 11 of ans 5 children)

Children:

James Ham

20

Walter

"

18

Frances

"

16

Lizzie

"

14

Muggie

"

12

Father of Tom Winters - Tom Indian (died)

Stenographer

R. J. Strick

Choctaw MCR 4543

Preston Meeks

MCR 4543

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Preston Meeks, et al.,
for identification as Mississippi Choctaws, M.C.R. 4543.

List of papers forwarded to the Secretary of the Interior
comprising the record in the case of
Preston Meeks, et al.

(Page)

Original application of Preston Meeks, et al.,
before the Dawes Commission for identification
as Mississippi Choctaws1
Decision of the Commission refusing the application
of Preston Meeks, et al., for identification
as Mississippi Choctaws2

4543
DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, January 17th, 1902.

In the matter of the application of Preston Meeks for the identification of himself and his five minor children, Calvin, George, Lillie, Hunter and Katie D., as Mississippi Choctaws.

Said Preston Meeks, being first duly sworn, testified as follows:-

J. K. Arnold, attorney for applicant.

Examination by the Commission.

Q What is your name? A Preston Meeks.
Q How old are you? A About thirty-three.
Q How much Choctaw blood have you? A One-fourth.
Q What is your postoffice address? A Starkville.
Q How long have you lived in Oktibbeha County? A All the time.
Q All your life? A Yes sir.
Q Is your father living? A No sir.
Q What was his name? A John Meeks.
Q How long has he been dead? A About seventeen years.
Q Is your mother living? A No sir.
Q What was her name? A Nellie.
Q Through which one of your parents do you derive your Choctaw blood? A My father.
Q Was your mother a slave? A Yes sir.
Q Was your father a slave? A Yes sir.
Q Could your father speak or understand the Choctaw language? A No sir.
Q How old would he be if he were living now? A I don't know, sir.
Q About how old? A About fifty-five, somewhere along there.
Q Did your father live all his life in Oktibbeha County? A Yes sir, so far as I know.
Q Through which one of his parents did he get his Choctaw blood? A His father.
Q What was his father's name? A John Indian.
Q Did you ever see him? A No sir, never did.
Q Did he have any other name than John Indian? A No sir.
Q Did he speak or understand the Choctaw language? A Not that I know of-never saw him.
Q How much Choctaw blood did John Indian have? A He was a whole.
Q How old would he be if he were living now? A I don't know, sir.
Q What was the name of your father's mother? A Ann.
Q Was she a slave? A Yes sir, I suppose so.
Q Was John Indian a slave? A No sir.
Q How do you know? A That is what I always heard.
Q Do you know where he lived during his life time? A No sir.
Q You know nothing whatever about him? A No sir.
Q Do you know whether he was married to Ann? A No sir, I don't know.
Q Were your father and mother lawfully married? A Yes sir.
Q How do you know? A That's what they always told me.
Q Have you any evidence that they were lawfully married? A No sir.
Q How long did they live together? A They lived together until they died.
Q Did either of them marry more than once? A No sir.
Q About how long do you think they lived together? A Well, I was the eldest son.

Preston Meeks et al--2

Q How many children did they raise? A They raised seven-five boys and two girls.

Q Are you married at this time? A Yes sir.

Q Have you been married more than once? A No sir.

Q Has your wife been married more than once? A No sir.

Q What is your wife's name? A Mary.

Q Has she any Choctaw blood? A No sir, not as I know of.

Q Colored woman? A Yes sir.

Q You make no claim for her? A No sir.

Q How many children have you living? A Five.

Q What are their names and ages? A Calvin.

Q How old is he? A About twelve years old.

Q Next one? A George.

Q How old is George? A About eight, I suppose.

Q Next one? A Lillie.

Q How old is she? A Six.

Q Next one? A Hunter.

Q How old is he? A About four.

Q Next one? A Katie D.

Q How old is she? A About one year and four months.

Q Are all these children living with you at this time? A Yes sir.

Q Are they all the children of yourself and Mary Meeks? A Yes sir.

Q This application then is for yourself and five minor children, is that correct? A Yes sir.

Q Were you lawfully married to Mary? A Yes sir.

Q Where and when? A I married her in Oktibbeha County.

Q When? A About thirteen years ago.

Q Who married you? A A man by the name of Nick Anderson.

Q What official position did he hold? A He was a preacher.

Q Have you your marriage license and certificate with you at this time? A No sir.

It will be necessary for you to furnish the Commission with proper evidence of your marriage to Mary, for use in the consideration of the application you make in behalf of your five minor children. You will be allowed a reasonable time in which to submit proper evidence of your marriage. The Commission would be glad, however, to have you submit this evidence within a period of thirty days from this date if you can conveniently do so.

Q Is your name or the name of anyone of these children to be found upon any of the Choctaw Tribal rolls in Indian Territory? A No sir.

Q Did you ever make application to the Choctaw Tribal authorities in Indian Territory for yourself or any of these children to be admitted or enrolled as members of the Tribe? A No sir.

Q Did you or did anyone for you in the year 1896 make application to this Commission for citizenship in the Choctaw Nation under the act of Congress approved June 10, 1896? A No sir.

Q Have you ever made any application of any description for yourself or any of these children before today? A No sir.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.

Preston Meeks et al---3

Q Do you understand article 14 of the treaty of Dancing Rabbit Creek? A No sir.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw Tribe of Indians. At the time this treaty was made the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River part of which is now occupied by the greater portion of the Choctaw Tribe of Indians and is commonly known as the Choctaw Nation Indian Territory. At the time the treaty was made some of the Indians were unwilling to leave this country and for the benefit of those who wanted to stay here what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who preferred to stay here in Mississippi might receive land here in Mississippi from the Government. It is as follows:-

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of the States, for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservations shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q That is the 14th article of the treaty of Dancing Rabbit Creek-do you understand that 14th article? A No sir.

As I have heretofore stated-some of these Indians 71 years ago, when the Government was making preparations to move them away from this country, did not want to go and this 14th article was put in for the benefit of those who didn't want to go. If a Choctaw living here at that time didn't want to go to the new nation but preferred to stay here and take land here in Mississippi at that time, the first thing necessary for him to do under the 14th article was to,

within six months from the time that treaty was ratified, let the Agent of the Government here in Mississippi, for the Choctaws, know that he wanted to stay here and become a citizen of the States and take land and he was thereupon entitled to a reservation of one section of six hundred and forty acres of land and also a reservation of 320 acres of land for each child in his family who was over ten years of age at the time the treaty was made and a reservation of one-quarter section or 160 acres of land for each child who was under ten years of age at the time the treaty was made which was on the 27th day of September, 1830. These reservations of the children must adjoin the location of the parent and the reservations must include the improvement of the parent as it existed on the 27th day of September, 1830. The Indian was then required to live on that land for five years after the 24th day of February, 1831; if he did that he was entitled to a grant in fee simple from the Government—that is, the Government would give him the land and he would be entitled to dispose of it at his own pleasure. The 14th article also said that persons who claimed under that article should not lose the privilege of a Choctaw citizen but if they ever removed they would not be entitled to any portion of the Choctaw annuity. The Choctaw annuity is money paid to the Choctaws each year by the Government under treaty stipulations.

Q Did any of your ancestors ever comply or attempt to comply with the provisions of that 14th article of the treaty of Dancing Rabbit Creek or ever receive any benefits thereunder? A Not as I know of.

Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi or Alabama in 1830 when the treaty of Dancing Rabbit Creek was made? A Not as I know of.

Q Were any of them recognized members of the Choctaw Tribe of Indians here at that time? A I don't know, sir.

Q Did any of them in fact live in this old Choctaw Nation at that time? A Not as I know of.

Q Did any of your ancestors remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A Not as I know of.

Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi for the Choctaws know that they wanted to stay here in Mississippi and become citizens of the States and take land? A I don't know, sir.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A Not as I know of.

Q Did any of your ancestors ever claim or receive any land here in Mississippi from the Government of the United States under any other article of that treaty or under the supplement to that treaty? A I don't know, sir.

Q Did any of your ancestors, so far as you know, ever receive any benefits as Choctaw Indians—any land or money? A No sir.

Preston Meeks et al--5

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here in Mississippi and become citizens of the States and take land. The records of the Government show that this Agent failed to register and report to the Government the names of many Choctaws who did in fact let him know that they wanted to stay here and become citizens and take land and, on this account, the Government at its public land sales here in Mississippi in many instances sold land upon which Indians lived and had improvements and which they supposed they would receive under article 14 of the treaty of Dancing Rabbit Creek. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed an act which was approved on the third of March, 1837, providing for the appointment of a Commission to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. This Commission was duly appointed by the President of the United States and the Commissioners came down here to Mississippi and heard a few of these Choctaw cases, but in the time allowed them by the act of Congress under which they were appointed and a later act of Congress which was approved on the 22nd day of February, 1838, they were unable to dispose of but a comparatively small number of these cases. It therefore became necessary for Congress to make further provision by which the remainder of these Indians might be given hearings, so another act was passed which was approved the 23rd day of August, 1842, providing for the appointment of another Commission to come down here to Mississippi and finish up the hearing of these cases. This Commission was duly appointed by the President of the United States and the Commissioners came down here to Mississippi in the forties and heard a great many of these cases.

Q Did any of your ancestors appear before either of these Commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A I don't know sir.

The act of Congress approved August 23, 1842, provided that, in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government he should be entitled to select in lieu thereof, land some place else here in Mississippi or in Alabama, Louisiana or Arkansas, from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

Preston Meeks et al---6

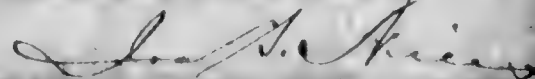
- Q Did any of your ancestors ever receive any of this scrip from the Government of the United States under this act of Congress? A Not that I know of.
- Q Do you know any old person living who would likely be informed as to whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir.
- Q Have you any witnesses here today? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here at Meridian between now and the 15th of next month or within a reasonable time thereafter at the general office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

- Q Have you any brothers living? A Yes sir.
- Q How many? A Four.
- Q What are their names? A Bob Meeks, Billy Meeks, John Meeks and James Meeks.
- Q Where does Bob Meeks live? A In Oktibbeha County.
- Q Where does Billy Meeks live? A In the Mississippi bottoms.
- Q Where does John Meeks live? A In the Mississippi bottoms.
- Q Where does James Meeks live? A In Oktibbeha County.
- Q Have any of them been before the Commission? A Not as I know of.
- Q Are any of them here today? A No sir.
- Q Have you any sisters living? A Yes sir.
- Q How many? A Two.
- Q What are their names? A Jane McGee.
- Q Where does she live? A She lives in Oktibbeha County.
- Q Has she been before the Commission? A No sir, not that I know of.
- Q What is the name of your other sister? A Lena Carr.
- Q Where does she live? A Oktibbeha County.
- Q Has she been before the Commission? A Not as I know of.
- Q Have you any brothers or sisters dead who left children? A No sir.
- Q Are any of your father's brothers or sisters or any of their children living? A No sir.

This applicant has the appearance of being a negro-shows no indications of being possessed of Indian blood. He does not speak or understand the Choctaw language.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, January 17th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.



Preston Hicks et al-47

Subscribed and sworn to before me this the 24th day of January, 1902,
at Meridian, Mississippi.

L. B. Moody
Clerk U. S. Circuit Court, Southern
District of Mississippi.

By *J. M. Smith* Deputy.

J.F.H.
C.W.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Preston Hooks, et al.,
for identification as Mississippi Choctaws, M.C.R. 4545.

--- DECISION ---

It appears from the record herein that application for
identification as Mississippi Choctaws was made to this Commission
by Preston Hooks for himself and his five minor children, Sylvia,
George, Lillie, Hunter and Katie B. Hooks, under the following pro-
vision of the act of Congress approved June 25, 1906 (34 Stat., 495):

"Said Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw lands
under article fourteen of the treaty between the United States
and the Choctaw Nation, concluded September twenty-seventh,
eighteen hundred and thirty, and to that end may administer
oaths, examine witnesses and perform all other acts necessary
therein and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights
in the Choctaw lands under article fourteen of the treaty between
the United States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, by reason of being descendants
of one John Indian, who is alleged to have been a full blood Choctaw
Indian.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw Tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 221).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said John Indian signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Preston Meeks, Calvin Meeks, George Meeks, Lillie Meeks, Hunter Meeks and Katie D. Meeks, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830.

eighteen hundred and thirty, and that the application for their
identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED

Tams Birby.

Acting Chairman.

SIGNED

T. B. Needles.

Commissioner.

SIGNED

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory.

OCT 30 1902

M.C.R. 4543.

COPY

Muskogee, Indian Territory October 30, 1902.

Preston Weeks,

Starkville, Mississippi.

Dear Sir:-

You are hereby advised that on the 30th day of October 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Preston Weeks, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 25, 1896 (29 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Preston Weeks, Calvin Weeks, George Weeks, Lillie Weeks, Hunter Weeks and Katie D. Weeks, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the

P H - 3

case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED: *Tamie Birby*
Acting Chairman.

Registered.

M.C.R. 4543.

COPY.
Muskogee, Indian Territory October 30, 1902.

Messrs. Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations.
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 30th day of October 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Preston Meeks, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stat., 496) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Preston Meeks, Calvin Meeks, George Meeks, Lillie Meeks, Hunter Meeks and Katie D. Meeks, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the principal applicant in this case has been allowed fifteen days from the date hereof

M M & C -2

within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED) *Tams Dixey.*
Acting Chairman.

COPY.

Muskogee, Indian Territory, November 15, 1902.

The Honorable,

The Secretary of the Interior.

Sir:-

There is transmitted herewith the record in the case of Preston Weeks, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 30, 1902.

The Commission has the honor to report that the principal applicant in this case and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

SIGNED

Tama Bibb

Acting Chairman.

Through the Commissioner
of Indian Affairs.
Enc. M & R 4543.

(COPY)

Land
69058-1902.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington,

February 5, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is submitted herewith record of the Commission to the Five Civilized Tribes in the matter of the application for identification as Mississippi Choctaws of Preston Meeks for himself and five children, Calvin, George, Lillie, Hunter and Katie D. Meeks, in which the Commission rendered a decision adverse to the applicants October 30, 1902.

It appears from the testimony taken in this case that the applicants base their claims to identification by reason of being descendants of one, John Indian, who, it is alleged was a citizen of the Choctaw Nation and resided in Mississippi or Alabama in 1830.

The Commission bases its decision rejecting these parties on the ground that its records fail to show that

John Indian ever complied with or attempted to comply with the provisions of the 14th article of the treaty of 1830.

An examination of the records of this office discloses the fact that there was no Choctaw Indian of the name of John who was the head of a Choctaw family in 1830, and who received benefits under the 14th article of the treaty of 1830, but there were several Johns among the children, one of whom received land, and scrip was issued in behalf of several.

The office recommends that the finding of the Commission rejecting the parties be approved, but that the Commission be instructed to furnish copy of this letter to the applicants, notifying them that if they can furnish further evidence with reference to the parentage and family of their ancestor John, they may apply for a reopening of the case on proper showing.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

E.B.H. H'r.

(COPY)

D.C.No.5456-1903.

DEPARTMENT OF THE INTERIOR.

RAV.

ITD.1274-1903.

Washington.

February 21, 1903.

L R S

Commission to the Five Civilized Tribes,
Muskogee, I.T.

Gentlemen:

November 18, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Preston Meeks and his minor children, Calvin, George, Lillie, Hunter and Katie D. Meeks, including your decision of October 30, 1902, adverse to the applicants.

They claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of one John Indian, who is alleged to have been a full blood Choctaw Indian.

Reporting in the matter February 5, 1903, the Acting Commissioner of Indian Affairs states that the records of the Indian Office show that there was no Choctaw Indian named John who was the head of a Choctaw family in 1830 and who received benefits under said article 14, but there were several Johns among the children, one of whom received land, and that scrip was issued in behalf of several. He recommends that your decision be approved, and that you be instructed to furnish a copy of his letter to the applicants and to notify them that

-2-

if they can furnish further evidence with reference to the parentage and family of their ancestor John, they may apply for a reopening of the case upon proper showing being made. A copy of his letter is inclosed herewith.

The Department affirms your decision, and concurs in the recommendation of the Acting Commissioner. You will take action accordingly.

Respectfully,

(Signed)

Thos. Ryan,
Acting Secretary.

1 inclosure.

COPY.

M.C.R. 4543.

Muskogee, Indian Territory, March 8, 1903.

Preston Meeks,

Starkville, Mississippi.

Dear Sir:

You are hereby notified that on the 21st day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Preston Meeks et al., of which decision you were advised by registered mail on the 20th day of October, 1902.

You are further notified that, if you can furnish further evidence with reference to the parentage and family of your ancestor John, you may apply for a reopening of this case upon proper showing being made.

In accordance with the instructions of the Secretary, a copy of his decision in the case is herewith furnished you.

Respectfully,

(S/G)

Tame Dixby.

Chairman.

Enc. M C R 4543.

M.C.R. 4543

COPY.

Muskogee, Indian Territory, March 5, 1903.

Manfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 21st day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Preston Meeks, et al., of which decision you were advised by mail on the 30th day of October, 1902.

Respectfully,

SIGNED

Tams Dixby

Chairman.

1677

No.

4543

For Identification as a Mississippi Choctaw.
 Meridian, Miss.

Date

JAN 17 1902

Name

Preston Meeks

Age

33

Blood

 $\frac{1}{4}$

Post Office,

Starkville, Miss.

Father:

John Meeks

d

Mother:

Nellie

"

d

Claims through

father
 wife Mary Meeks
 (no claim for her)

L

Children:

Calvin

Meeks

12

George

"

8

Lillie

"

6

Hunter

"

4

Katie D.

"

1

Father

John Meeks

John Indian

(Rev)

Stenographer

J. S. Vile

Choctaw MCR 4544

James D. Oswalt

MCR 4544

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.

In the matter of the application of James D. Gault, et
al., for identification as Mississippi Choctaws, H.C.N. 4844.

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4544

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, January 17th, 1902.

In the matter of the application of James D. Oswalt for the identification of himself and four minor children, Hassie R., Lillian L., Clifton D., and Clinton R. Oswalt, as Mississippi Choctaws.

Said James D. Oswalt, being first duly sworn, testified as follows:-

J. E. Arnold, attorney for applicant.

Examination by the Commission.

Q What is your name? A James D. Oswalt.
Q How old are you? A Thirty-seven.
Q How much Choctaw blood have you? A I reckon about a fourth; my mother was said to be half Indian.
Q What is your postoffice address? A Mahan, Mississippi.
Q What County? A Oktibbeha County.
Q How long have you lived in Oktibbeha County? A I have been living there about ten years; I was raised in Choctaw County.
Q You have lived, then, in these counties your entire life? A Yes sir.
Q Is your father living? A No sir.
Q What was his name? A His name was David Oswalt.
Q Is your mother living? A No sir.
Q What was her name? A Caroline Roll, before she married.
Q You claim to get your Choctaw blood through your mother? A Yes sir.
Q Your father was a white man, was he? A Yes sir.
Q Did your mother speak or understand the Choctaw language? A I don't hardly remember about that; she died when I was small and my father too. I can remember her features, she had black hair and she was sort of copper colored.
Q About how old do you think your mother would be if she were living now? A About seventy years old, I think.
Q Where was she born? A She was born in Alabama.
Q What place? A I don't remember what place.
Q Do you remember what part of the State they came from? A No sir, I do not.
Q Through which one of her parents did she get her Choctaw blood? A I don't know but I think it was on her mother's side.
Q Do you know what her mother's name was? A No sir.
Q Do you know her given name? A No sir.
Q Do you know the name of your mother's father? A His name was roll; I don't know his given name.
Q Do you know where your mother's mother and father lived during their lives? A No sir.
Q When did your mother move to Choctaw County, Mississippi? A I couldn't tell you that. It has been so long and no record kept of it. They died when I was young.
Q You have no idea when she came to Mississippi? A No sir.
Q Where was she married? A I reckon in Alabama.
Q You don't know, then, the name of any of your ancestors on your mother's side except her name? A No sir, I think I might get that name up after a while. All I know about this I have been told by my

James D. Oswalt et al---2

father and mother that I was part Indian and it seemed like people wanted to throw that to me as a slur.

Q Are you married at this time? A Yes sir.

Q Is your wife living? A Yes sir.

Q What is her name? A Alice E. Oswalt.

Q Has she any Choctaw blood? A No sir.

Q You make no claim for her then? A No sir, none at all.

Q Have you any children living? A Yes sir.

Q How many? A Four.

Q What are their names and ages? A The name of the eldest one is Hassie R.

Q How old is she? A Ten years old.

Q Next one? A Lillian L.

Q How old is she? A Eight.

Q Next one? A Clifton D.

Q How old is he? A Six years old.

Q Next one? A Clinton R.

Q How old is Clinton? A A month and a half old.

Q Is that all your children? A Yes sir.

Q Are these children all living with you at this time? A Yes sir.

Q Are they all four the children of yourself and Alice E. Oswalt?

A Yes sir.

Q Have you been married more than once? A No sir.

Q Has she? A No sir.

Q Were you married to her under a license? A Yes sir.

Q Have you your license and certificate with you at this time?

A No sir.

Q Who married you? A Preacher Mease.

Q Where were you married? A In Choctaw County, Mississippi.

Q When? A I have been married, I reckon, twelve years.

It will be necessary for you to furnish the Commission with proper evidence of your marriage to Alice E. The Commission would be glad to have you furnish this evidence at the earliest possible date.

Q This application, then, is for yourself and four minor children?

A Yes sir.

Q Is your name or the name of anyone of these children to be found upon any of the Choctaw Tribal rolls in Indian Territory? A No sir.

Q Did you ever make application to the Choctaw Tribal authorities in Indian Territory to be admitted or enrolled as a member of that Tribe? A No sir.

Q Did you in the year 1896 make application to this Commission for citizenship in the Choctaw Nation for yourself or any of these children under the act of Congress approved June 10, 1896? A No sir, I have not.

Q Have you ever made any application of any description before today for yourself or any of these children? A No sir.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and four minor children under article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.

Q Do you understand article 14 of the treaty of Dancing Rabbit Creek? A No sir, I don't believe I do.

James D. Oswald et al---3

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw Tribe of Indians. At the time this treaty was made the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to secure the removal of these Indians from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River part of which is now occupied by the greater portion of the Choctaw Tribe of Indians and is commonly known as the Choctaw Nation Indian Territory. At the time the treaty was made some of the Indians were unwilling to leave this country and for the benefit of those who wanted to stay here what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who preferred to stay here in Mississippi might do so and might receive land here in Mississippi from the Government. That 14th article of the treaty is as follows:-

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of the States, for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said ~~the~~ reservations shall include the present improvement of the head of the family or a portion of it. Persons claiming under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q That is the 14th article of the treaty of Dancing Rabbit Creek--do you think you understand that 14th article? A Yes sir, I think I do.

Q Did any of you r ancestors ever comply or attempt to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek?

A I don't know, sir, whether they did or not.

Q Did any of them ever receive any benefits whatever under that 14th article? A I don't know that either.

Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A I couldn't tell you about that.

Q Were any of them ever recognized members of the Choctaw Tribe of Indians at the time the treaty was made? A I couldn't tell you that either.

Q Did any of them live here in the old Choctaw Nation at that time to your knowledge? A I don't know, sir.

James D. Oswalt et al---4

Q Did any of them remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A I don't know.

Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here in Mississippi and become citizens of the States and take land? A I don't know, sir.

Q Did any of them ever claim or receive any land here in Mississippi from the Government under article 14 of the treaty of Dancing Rabbit Creek? A Not as I know of.

Q Did any of them ever claim or receive any land here in Mississippi from the Government under any other article of that treaty or under the supplement to the treaty? A I don't know.

Q You never heard of any of your ancestors ever having gotten any land here in Mississippi from the Government, did you? A No sir.

Q Did any of them ever get any money from the Government? A Not as I know of.

Q Were any of your ancestors ever recognized members of the Choctaw Tribe of Indians? A I don't know, sir.

Q Did any of them ever receive any benefits as such? A I don't know, sir.

Q Did any of them ever live in Indian Territory? A Not as I know of.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this Agent failed to register and report to the Government the names of many Indians who did in fact let him know that they wanted to stay here and become citizens and take land and on this account the Government at its public land sales here in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under article 14 of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed an act which was approved the 3rd day of March, 1837, providing for the appointment of a Commission to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. This Commission was duly appointed by the President of the United States and the Commissioners came down here to Mississippi and heard a few of these Choctaw cases, but in the time allowed them by the act of Congress under which they were appointed and a later act of Congress which was approved the 22nd day of February, 1838,

James D. Oswalt et al---5

providing for the continuance of this Commission, they were unable to hear but a comparatively small number of these cases. It therefore became necessary for Congress to make further provision whereby the remainder of the Indians might be given hearings. So, another act was passed which was approved the 23rd day of August, 1842, providing for the appointment of another commission to come down here and finish up this work. This Commission was duly appointed by the President of the United States and the Commissioners came down here in the forties and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before either of these Commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A I don't know, sir.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to select, in lieu thereof, land elsewhere in Mississippi, Louisiana, Alabama or Arkansas, from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any of this scrip from the Government of the United States under this act of Congress? A Not as I know of.

Q Do you know of any one living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir, I don't know of anyone at all. My mother's people-I don't know of any of them and all the old people where I was raised, they are all dead.

Q Have you any witnesses here today? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before the Commission here at Meridian at any time before the 15th of next month or within a reasonable time at the general office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Are there any further statements you desire to make? A No sir, I reckon I have made all that is necessary. I have been told by my mother and father that I was part Indian and the people seemed to think that when I was small.

Q Did you ever hear that you had Creek Indian blood in you? A No sir.

Q Or Cherokee Indian blood? A No sir, what makes me remember so well that I was Choctaw was because I was raised in Choctaw County

James D. Oswalt et al---6

and the name is the same and that made me remember it so well.
Q Have you any brothers or sisters living? A Yes sir, I have some I reckon but I don't know where they are at.
Q Full brothers? A Yes sir.
Q How many? A One.
Q What are their names? A I have one dead-there are two brothers, one is Presley Oswalt.
Q Do you know where he is? A In the Mississippi Delta I think.
Q What is the name of the other one? A I have one brother dead.
Q What was his name? A Calvin.
Q Did he leave a family? A He left a wife and one child.
Q Where do they live? A I don't know where his wife and child are at now.
Q What is the name of his wife? A Jennie, she was an Adkins.
Q What is the name of his child? A Jimmie.
Q Have you any sisters living? A Yes sir.
Q How many? A I have-there is three sisters living.
Q Are they all of age? A Yes sir, they are all married.
Q Full sisters? A Yes sir.
Q What are their names? A The oldest one's name is Fannie, she married a Clark.
Q Where does she live? A She lives in Choctaw County.
Q What is the name of the next one? A Doccia, she married a McMahon.
Q Where does she live? A She lives in Choctaw too.
Q Next one? A Marilla.
Q Who did she marry? A She married a Reed.
Q Where does she live? A She lives in Choctaw too.
Q Have any of them been before the Commission? A No sir.
Q Have you any sisters dead? A No sir.
Q And only one brother dead? A Yes sir.
Q Are any of your mother's brothers or sisters living? A No sir, not as I knew of. I don't know anything about them.
Q You don't know that she ever had any, then? A No sir, I don't know.

This applicant has the appearance of being a white man-
shows no indications of being possessed of Indian blood.
He does not speak or understand the Choctaw language.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, January 17th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 20th day of January, 1902, at Meridian, Mississippi.

L. B. Mosley
Clerk U. S. Circuit Court, Southern
District of Mississippi.

By *J. M. ...* Deputy.

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN the matter of the application of James D. Oswalt, et al
for identification as Mississippi Choctaws, H.C.R. 4344.

---: D E C I S I O N :---

It appears from the record herein that application for
identification as Mississippi Choctaws was made to this Commission
by James D. Oswalt for himself and his four minor children, Hattie
Ing, William L., Clinton D. and Clinton E. Oswalt, under the follow-
ing provision of the Act of Congress approved June 22, 1902 (30
Stats., 498):

"Said Commission shall have authority to determine
the identity of Choctaw Indians claiming rights in the
Choctaw lands under article fourteen of the treaty be-
tween the United States and the Choctaw Nation concluded
September twenty-seventh, eighteen hundred and thirty,
and to that end may administer oaths, examine witnesses,
and perform all other acts necessary thereto and make
report to the Secretary of the Interior."

It also appears that all of said applicants claim rights

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of James D. Oswalt, et al
for identification as Mississippi Choctaws, M.C.N. 4344.

---: D E C I S I O N :---

It appears from the record herein that application for
identification as Mississippi Choctaws was made to this Commission
by James D. Oswalt for himself and his four minor children, Hattie
R., Lillian L., Clifton D. and Clinton R. Oswalt, under the follow-
ing provision of the act of Congress approved June 28, 1898 (30
Stats., 498):

"Said Commission shall have authority to determine
the identity of Choctaw Indians claiming rights in the
Choctaw lands under article fourteen of the treaty be-
tween the United States and the Choctaw Nation conclud-
ed September twenty-seventh, eighteen hundred and thirty,
and to that end may administer oaths, examine witnesses,
and perform all other acts necessary thereto and make
report to the Secretary of the Interior."

It also appears that all of said applicants claim rights

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in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, by reason of being descendants of Caroline Gwalt (nee Bell) who is alleged to have been a Choctaw Indian, degree of blood not stated. It further appears that the applicants attempt to trace their Choctaw ancestry to the father of the said Caroline Gwalt (nee Bell), who they allege, was a Choctaw Indian, degree of blood not stated, but they are unable to state his full name, giving only his surname, that of Bell.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats. 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that Caroline Gwalt (nee Bell), or in fact any person bearing the surname of Bell, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions

authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats. 180) and August 23, 1842 (5 Stats. 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of James D. Oswalt, Hattie R. Oswalt, Lillian L. Oswalt, Clifton D. Oswalt and Clinton R. Oswalt as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

(SIGNED)

James Dixby

Acting Chairman

(SIGNED)

T. B. Needles

Commissioner

(SIGNED)

C. R. Breckinridge

Commissioner

Muskogee, Indian Territory

JAN 21 1903

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M.C.R. 4844

Muskogee, Indian Territory, January 21, 1903.

James D. Oswalt,
Naben, Mississippi.

Dear Sir:

You are hereby advised that on the 21st day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of James D. Oswalt, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 25, 1896 (30 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of James D. Oswalt, Hassie R. Oswalt, Lillian M. Oswalt, Clifton D. Oswalt and Clinton R. Oswalt as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such, should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case to-

gather with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Signed,

T. B. Needles.

Commissioner in Charge.

Registered.

COPY

M.C.R. 4544

Muskogee, Indian Territory, January 21, 1903.

Manefield, McKarray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 21st day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of James D. Oswalt, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 22, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of James D. Oswalt, Hassie R. Oswalt, Lillian L. Oswalt, Clifton D. Oswalt and Clifton R. Oswalt as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

E. L. Newell
Commissioner in Charge.

COPY.

Muskogee, Indian Territory, February 6, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record in the case of James D. Gwalt, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of January 21, 1903.

The Commission has the honor to report that the principal applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Through the
Commissioner of Indian Affairs.
2 Enc. M.C.R. 4844

C. R. Breckinridge

Commissioner in Charge

(COPY)

DEPARTMENT OF THE INTERIOR

LAND.
10105-1903.

OFFICE OF INDIAN AFFAIRS

CEL

WASHINGTON

March 2, 1903.

The Honorable,

The Secretary of the Interior.

Sir:-

I have the honor to transmit herewith record of the Commission to the Five Civilized Tribes in the matter of the application for identification as Mississippi Choctaws of James D. Oswalt, for himself and his four children, Robert R., Lillian L., Clifton D. and Clinton H. Oswalt, wherein a decision adverse to the applicants was rendered by the Commission on January 21, 1903.

An examination of the evidence in this case shows that the applicants claim identification by reason of descent from -- Nell and Caroline Oswalt, nee Roll, but are unable to state that any ancestor had a reservation in the Choctaw Nation, Mississippi or Alabama in 1830, or complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

The decision of the Commission rejecting these applicants is founded on the fact that the records of the Commission fail to show that the name of Caroline Oswalt (nee Roll), or in fact, in person bearing the name of Roll, ever complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

A search of the records of this office has been made for the name of Hall, and for the name of Caroline Gwalt, nee Hall, and it is not found included in the list of those persons who complied, or attempted to comply with the provisions of the 14th article of the Cherokee treaty of 1836, and I have, therefore, to recommend that the decision of the Commission rejecting these applicants be approved.

Very Respectfully,

A. C. Towner.

Acting Commissioner.

E. B. Hall.

3 enclosures.

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DEPARTMENT OF THE INTERIOR

D.C. 9213-1903. WASHINGTON March 30, 1903.
ITD 2504-1903.
IRS

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

February 6, 1903, you transmitted the record in the case embracing the application for identification as Mississippi Choctaws of James D. Oswalt (H C R 4544), for himself and his four minor children, Hassie R., Lillian L., Blifton D. and Clinton R. Oswalt, including your decision of January 21, 1903, refusing to identify them as such.

The applicants claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of one ----Roll, and of Caroline Oswalt (nee Roll), who are alleged to have been Choctaw Indians, degree of blood not stated.

The records fail to show that the applicants were ever admitted or enrolled as members of the Choctaw tribe of Indians or that their alleged ancestors ever complied or attempted to comply with said article 14 of the treaty of 1830, or with the subsequent acts relating thereto.

Reporting in the matter March 2, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department finds no reason to disturb your decision and it is hereby affirmed.

Respectfully,

1 inclosure.

Thos. Ryan,
Acting Secretary.

M.C.R. 4544.

COPY.

Muskogee, Indian Territory, April 8, 1903.

James D. Oswalt,
Haben, Mississippi.

Dear Sir:

You are hereby notified that on the 30th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of James D. Oswalt, et al., of which decision you were advised by registered mail on the 21st day of January, 1903.

Respectfully,

(SIGNED).

Tams Bixby.
Chairman.

H.C.R. 4514.

COPY.

Muskogee, Indian Territory, April 8, 1903.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 30th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of James D. Oswalt, et al., of which decision you were advised by mail on the 21st day of January, 1903.

Respectfully,

SIGNED.

James Bixby.
Chairman.

4638

No.

4544

For Identification as a Mississippi Choctaw.
 Meridian, Miss

Date

JAN 17 1902

Name

James D. Oswalt

Age

37

Blood

1/4

Post Office,

Maben, Miss

Father:

David Oswalt

Mother:

Caroline "

(1/2)

Claims through mother.

Wife

Alice E. Oswalt

(no claim for wife.)

Claims for self and 4 children

Children:

Hassie R. Oswalt

10

Lillian L.

"

8

Clifton D.

"

6

Clinton R.

"

1 mo.

Ancestors - names of all ancestors

whose names are known are

shown above.

Stenographer

J. L. Niles.

Choctaw MCR 4545

Dorsey Dickerson

See MCR 4546

MCR 4545

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Dorsey Dickerson,
et al., for identification as Mississippi Choctaws, consolidating
the applications of

Dorsey Dickerson, et al., M C R 4545

Willie Cozart, et al., M C R 4546

List of papers forwarded to the Secretary of the Interior,
comprising the record in the case of Dorsey Dickerson, et
al.

	Page.
Original application of Dorsey Dickerson, et al., for identification as Mississippi Choctaws	1
Marriage license of Dorsey Dickerson and Malinda Carter	7
Original application of Willie Cozart, et al., for identification as Mississippi Choctaws	8
Marriage license of Willie Cozart and Rose Kana Gregory	14
Marriage license of William Cozart and Georgie Portwood	15
Joint affidavit of Henry Smith and Allen Jordan	17
Joint affidavit of Henry Smith and Allen Jordan	18
Decision of the Commission refusing the consolidated application of Dorsey Dickerson, et al., for identifica- tion as Mississippi Choctaws	19

4543

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, January 17th, 1902.

In the matter of the application of Dorsey Dickerson for the identification of himself and his seven minor children, Sarah, Gertie, Carter, Hattie, Mary, Dorsey and William V., as Mississippi Choctaws.

Said Dorsey Dickerson, being first duly sworn, testified as follows:-

(J. E. Arnold, attorney for applicant).

Examination by the Commission.

- Q What is your name? A Dorsey Dickerson.
Q How old are you? A I was born in sixty-three.
Q Thirty-nine years old then? A Yes sir.
Q How much Choctaw blood have you? A We claim half.
Q What is your postoffice address? A Starkville, Mississippi.
Q How long have you lived in Oktibbeha County? A Bred and born there.
Q Have you lived there all your life? A No sir, not all my life- I have been in the Mississippi bottoms.
Q But you have lived in this State all your life? A Yes sir.
Q Is your father living? A No sir.
Q What was his name? A Alex Indian.
Q How long has he been dead? A I couldn't tell you.
Q Did he live there in Oktibbeha County? A Yes sir.
Q Was he a full blood Choctaw Indian? A Yes sir.
Q Did he speak or understand the Choctaw language? A He never did teach us any- he could talk just as we talk.
Q You don't know whether he could speak the Choctaw language, or not? A No, I don't know anything about it.
Q Did he have any other name besides Alex Indian? A That was all he was ever called.
Q How old a man was he when he left home? A He might have been forty or might have been older than that.
Q Do you know the name of either one of his parents? A No sir.
Q Where did he live all of his life prior to the time he left Oktibbeha County- do you know? A Yes sir.
Q Where? A He lived there on an outlaw place in Oktibbeha County.
Q How long did he live there? A I couldn't tell you.
Q Do you know where he was born? A No sir, I don't know where he was born.
Q Was he a slave? A No sir.
Q Is your mother living? A No sir, she died the same year he left home.
Q What was her name? A Harriet.
Q What other name did she have? A Harriet Dickerson.
Q Was she a slave? A Yes sir.
Q Were she and Alex Indian married? A They stayed together.
Q How long did they stay together? A He stayed with us from the time I was born until he left.
Q Did they live together as man and wife? A Yes sir, as far as I can remember.
Q They stayed together in the same house and lived together as man and wife? A Yes sir.

Dorsey Dickerson et al---2

Q Did they have any other children besides you? A My brothers, there.
Q How many? A Just one besides me.
Q Your mother didn't have any Choctaw blood at all? A No sir, not as I know of.
Q Did she have children by anyone else besides this Indian? A No sir.
Q Did he have any other children besides the children by your mother? A Not as we know of.
Q Do you know the name of any one of your father's ancestors? A No sir, I don't know any of them.
Q Are you married? A Yes sir.
Q How many times have you been married? A Once.
Q How many times has your wife been married? A Once.
Q What is your wife's name? A Lena Dickerson.
Q Is she living? A Yes sir.
Q Has she any Choctaw blood? A No sir.
Q A colored woman? A Yes sir.
Q Have you any children who are over 21 years of age or married? A No sir.
Q How many children have you under age? A Seven.
Q What are their names and ages? A Sarah.
Q How old is she? A About eighteen.
Q Next one? A Gertie.
Q How old is she? A Sixteen.
Q Next one? A Carter.
Q How old? A About thirteen years old.
Q Next one? A Hattie.
Q How old? A About ten.
Q Next one? A Mary.
Q How old? A She is about eight.
Q Next one? A Dorsey.
Q How old? A About five.
Q Next one? A William V.
Q How old is he? A Three years old.
Q Is that all your children? A Yes sir.
Q Are all these children living with you? A Yes sir.
Q Are they all the children of yourself and Lena Dickerson? A Yes sir.
Q Were you married to her under a license? A Yes sir.
Q When? A I couldn't tell just when, we have been married about eighteen or twenty years.
Q Where were you married to her? A In Oktibbeha County.
Q Who married you? A A preacher by the name of Zach Price.
Q Where did you get your license? A Starkville, Mississippi.
Q Have you your license and certificate with you at this time? A No sir.

It will be necessary for you to furnish the Commission with proper evidence of your marriage to Lena Dickerson for use in the consideration of the application you make in behalf of these seven minor children. You will be allowed a reasonable time in which to submit such evidence. The Commission would be glad, however, to have you submit this evidence within thirty days from this date if you can conveniently do so.

Dorsey Dickerson et al---3

Q This application is for yourself and seven minor children, is that correct? A Yes sir.

Q Is your name or the name of anyone of these children to be found upon any of the Choctaw Tribal rolls in Indian Territory? A No sir.

Q Did you ever make application to the Choctaw Tribal authorities in Indian Territory for yourself or any of these children to be admitted or enrolled as members of the Tribe? A No sir.

Q Did you in the year 1896 make application to this Commission for citizenship in the Choctaw Nation for yourself or any of these children under the act of Congress approved June 10, 1896? A No sir.

Q Is this the first application of any kind you ever made? A Yes sir.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.

Q Do you understand the 14th article of the treaty of Dancing Rabbit Creek clearly? A No sir.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw Tribe of Indians. At the time this treaty was made the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of this treaty was to get these Indians to remove from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, part of which is now occupied by the greater portion of the Choctaw Tribe of Indians and is commonly known as the Choctaw Nation Indian Territory. At the time the treaty was made some of the Indians were unwilling to leave this country and for the benefit of those who preferred to stay here, what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who preferred to stay here might do so and might receive land here in Mississippi from the Government. It is as follows:-

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled ~~for~~ to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of the States, for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservations shall include the present improvement of the head of the family or a portion of it. Persons claiming under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q That is the 14th article of the treaty of Dancing Rabbit Creek-
Do you think you understand that? A I understand it, I reckon.
Q If you think you don't understand it thoroughly I will explain it
further? A I think I understand it.
Q Did any of your ancestors ever comply or attempt to comply with
the provisions of this 14th article or ever receive any benefits
thereunder? A No sir.
Q Did any of them own an improvement here in the old Choctaw Nation
in Mississippi and Alabama in the year 1830 when this treaty was
made? A Not as I know of.
Q Were any of them recognized members of the Choctaw Tribe of
Indians here at that time? A I don't know, more than my father.
Q Do you know that he was at that time a recognized member of the
Choctaw Tribe of Indians? A No sir, I don't really know.
Q Did he or any other of your Choctaw ancestors live here in Mis-
sissippi in the old Choctaw Nation at the time this treaty was made,
71 years ago? A I don't know, sir.
Q Did any of your Choctaw ancestors remove from the old Choctaw
Nation in Mississippi and Alabama to the present Choctaw Nation in
Indian Territory at the time of the removal of the greater portion
of the Choctaw Tribe of Indians between the years 1833 and 1838?
A Not as I know of.
Q Did any of them within six months after the treaty of Dancing
Rabbit Creek was ratified let the Agent of the Government here in
Mississippi, for the Choctaws, know that they wanted to stay here in
Mississippi and become citizens of the States and take land? A No
sir, not that I know of.
Q Did any of them ever claim or receive any land here in Mississippi
from the Government of the United States under this 14th article of
the treaty of Dancing Rabbit Creek? A No sir.
Q Did any of them ever claim or receive any land here in Mississip-
pi from the Government of the United States under the provisions of
any other article than the 14th article or under the supplement to
that treaty? A No sir.
Q Did any of your ancestors ever get any land here in Mississippi
from the Government? A No sir.
Q Or any money from the Government? A No sir.
Q Were any of them ever recognized members of the Choctaw Tribe of
Indians? A Not as I know of.
Q Did any of them ever receive any benefits as such? A No sir.
Q Did any of them ever live in Indian Territory? A No sir, not as
I know of.

In accordance with the provisions of article 14 of the
treaty of Dancing Rabbit Creek the Government of the Unit-
ed States directed an Agent here in Mississippi to register
the names of such Choctaws as might desire to remain and
become citizens of the States and take land under that
article. The records of the Government show that that
Agent failed to register and report to the Government
the names of many Indians who did in fact let him know
that they wanted to stay here and become citizens and take
land and on this account the Government at its public land
sales here in Mississippi in many instances sold land
upon which Choctaws lived and had improvements and which
they supposed they would receive under article 14 of the
treaty of Dancing Rabbit Creek. This caused a great deal

Dersey Dickerson et al--5

of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed an act which was approved the 3rd day of March, 1837, providing for the appointment of a Commission to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. This Commission was duly appointed by the President of the United States and the Commissioners came down here to Mississippi and heard a few of these Choctaw cases but in the time allowed them by the act of Congress under which they were appointed and a later act of Congress which was approved on the 22nd day of February, 1838, providing for the continuance of this Commission they were unable to hear but a comparatively small number of cases. It therefore became necessary for Congress to make further provision whereby the remainder of these Indians might be given hearings, so another act was passed which was approved the 23rd day of August, 1842, providing for the appointment of another Commission to come down here and finish up this work. This Commission was duly appointed by the President of the United States and the Commissioners came down here to Mississippi in the forties and heard a great many more of these cases.

Q Did any of your ancestors ever appear before either of these Commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A Not that I know of.
Q Do you know of any old person living who would likely know whether any of ~~him~~ your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir, not as I know of
Q Have you any witnesses here today? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission, they may appear before us here at Meridian at any time before the 15th of next month or within a reasonable time thereafter at the General Office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q How many brothers have you living? A One.
Q How many sisters? A None.
Q What is the name of your brother? A William Cosart, the reason for that is that after my mother died my aunt took him and called him William Cosart.
Q Where does your brother live? A In Oktibbeha County.
Q Has he ever been before the Commission? A No sir.
Q Is he here today? A Yes sir.
Q Have you any brothers or sisters dead? A No sir.
Q Are any of your father's brothers or sisters or any of their children living? A Not as I know of.

Dorsey Dickerson et al--6

Q Do you speak or understand the Choctaw language? A I don't know anything about it at all.

Q Are there any further statements you desire to make at this time in support of your application? A No sir, that's all.

This applicant has the appearance of being a negro--shows very slight, if any, indications of being possessed of Indian blood. He does not speak or understand the Choctaw language.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, January 17th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 23rd day of January, 1902, at Meridian, Mississippi.

L. B. Mosley
Clerk U.S. Circuit Court, Southern
District of Mississippi.

By *[Signature]* Deputy.

COPY.

*E.H.
Civ.*

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Dorsey Dickerson,
et al., for identification as Mississippi Choctaws, consolidating
the applications of:

Dorsey Dickerson, et al.,	M.C.R. 4845
Willie Casart, et al.,	M.C.R. 4846

- - - D E C I S I O N - - -

It appears from the record herein that applications for
identification as Mississippi Choctaws were made to this Commission
by Dorsey Dickerson for himself and his seven minor children, Sarah,
Gertie, Carter, Rattie, Mary, Dorsey (Jr.), and William V. Dickerson;
and by Willie Casart for himself and his two minor children, Bradley
and Sammy Casart, under the following provision of the act of Con-
gress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw
lands under article fourteen of the treaty between the United
States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, and to that end may ad-
minister oaths, examine witnesses and perform all other acts
necessary thereto and make report to the Secretary of the
Interior."

It also appears that all of said applicants claim rights

in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Alex Indian (or Indian Alex) who is alleged to have been a full blood Choctaw Indian; and Harriet Dickerson (or Dixon), who is alleged to have been an one-half blood Choctaw Indian.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress approved June 10, 1896 (29 Stat., 321).

It does not appear from the testimony and evidence offered in support of said applications or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Alex Indian (or Indian Alex) or Harriet Dickerson (or Dixon) signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of

Congress approved March 3, 1837 (5 Stats., 180), and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Dorsey Dickerson, Sarah Dickerson, Gertie Dickerson, Carter Dickerson, Hattie Dickerson, Mary Dickerson, Dorsey Dickerson (Jr.), William V. Dickerson, Willis Gosart, Bradley Gosart and Sammy Gosart as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

(SIGNED)

J. B. Neill
Acting Chairman.

(SIGNED)

T. B. Neelley
Commissioner.

(SIGNED)

C. R. Brantley
Commissioner.

Muskogee, Indian Territory.

JAN 19 1903

Muskogee, Indian Territory, January 30, 1902.

J. E. Arnold,
Meridian, Mississippi,

Dear Sir:

Receipt is hereby acknowledged of your letter of the twenty seventh instant, inclosing papers for filing in support of applications for identification as Mississippi Choctaws as follows:

Certified copy of the marriage license and certificate between Dorsey Dickinson and Malinda Carter, and joint affidavit of Henry Smith and Allen Jordan, to be filed with the case of Dorsey Dickerson, et al. M.C. 4545.

Certified copy of marriage license and certificate between Willie Cozart and Rosa Anna Gregory, and joint affidavit of Henry Smith and Allen Jordan, to be filed with the case of Willie Cozart, et al. M.C. 4546.

The same have been filed with the records in the above named cases and will receive consideration in the disposition of the applications.

Yours truly,

Acting Chairman.

COPY,

M.C.R. 4543

Muskogee, Indian Territory, January 19, 1903.

Manefield, McMurphy & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 19th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Dorsey Dickerson, et al., embracing the following applications for identification as Mississippi Choctaws:

Dorsey Dickerson, et al.	M.C.R. 4545
Willie Gosart, et al.	M.C.R. 4546

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Dorsey Dickerson, Sarah Dickerson, Bertie Dickerson, Carter Dickerson, Hattie Dickerson, Mary Dickerson, Dorsey Dickerson (Jr.), William V. Dickerson, Willie Gosart, Bradley Gosart and Sam Gosart as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

T. B. Neffles,
Commissioner in Charge.

Muskogee, Indian Territory, January 18, 1903.

Dorsey Dickerson,

Starkville, Mississippi.

Dear Sir:

You are hereby advised that on the 18th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Dorsey Dickerson, et al., embracing the following applications for identification as Mississippi Choctaws:

Dorsey Dickerson, et al.	M.C.R. 4545
Willie Gosart, et al.	M.C.R. 4546

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stat., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Dorsey Dickerson, Sarah Dickerson, Gertie Dickerson, Carter Dickerson, Mattie Dickerson, Mary Dickerson, Dorsey Dickerson (Jr.), William V. Dickerson, Willie Gosart, Bradley Gosart

Dorsey Dickerson,--2

and Sammy Gosart as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

I. B. Needles
Commissioner in Charge.

Registered.

M C R 4545

COPY.

Muskogee, Indian Territory, February 4, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Dorsey Dickerson, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of January 19, 1903.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

Dorsey Dickerson, et al.,	M. C. R. 4545
Willie Conant, et al.,	M. C. R. 4546

The Commission has the honor to report that the principal applicants in the several separate applications and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Through the Commissioner
of Indian Affairs.
1 enclosure, M C R 4545

(SIGNED)

Tame Bixby.
Acting Chairman.

COPY.

DEPARTMENT OF THE INTERIOR.
OFFICE OF INDIAN AFFAIRS.
WASHINGTON.

Land
9344-1903.

March 17, 1903.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to submit, herewith, record and proceedings had before the Commission to the Five Civilized Tribes, in the matter of the consolidated application of Dorsey Dickerson for the identification of himself and his seven minor children, Sarah, Gertie, Carter, Hattie, Mary, Dorsey (Jr) and William V. Dickerson, and by Willie Cozart for himself and his two minor children, Bradley and Sammy Cozart, as Mississippi Choctaws, wherein a decision adverse to the applicants was rendered by the commission on January 19, 1903.

The testimony in this case shows that the applicants claim rights to identification as Mississippi Choctaws by reason of descent from Harriet Dickerson or Dixon, who, they claim, was a Choctaw Indian and a member of the Choctaw Nation, in Mississippi, at the date of the making of the Choctaw treaty of 1830.

It appears from the records of the commission that neither the applicants or the ancestor through whom they claim, ever complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of 1830.

An examination has been made of the records of this office and it is discovered that the name of the alleged ancestor, Harriet Dickerson or Bixen, does not appear among the names of those persons who complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of 1830.

This being true, it is recommended that the decision of the commission rejecting the applicants be approved.

Very respectfully,

(signed) A. C. Tonner,

(H.B.H.)

Acting Commissioner.

P.

COPY.
DEPARTMENT OF THE INTERIOR.
WASHINGTON.

FHE

I.T.D. 3022-1903.
D.O. 10338
L R S

April 9, 1903.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

February 4, 1903, you transmitted the record in the consolidated case embracing the application for identification as Mississippi Choctaws of Dorsey Dickerson for himself and his minor children, Sarah, Gertie, Carter, Hattie, Mary, Dorsey (Jr), and William V. Dickerson; and by Willie Cozart for himself and his two minor children, Bradley and Saway Cozart, including your decision of January 19, 1903, refusing to identify them as such.

The applicants claim rights in Choctaw lands under article 14 of the treaty of September 17, 1830, by reason of being descendants of Alex Indian (or Indian Alex), who is alleged to have been a full blood Choctaw Indian, and Harriet Dickerson (or Dixon), who is alleged to have been an one-half blood Choctaw Indian.

The records fail to show that the applicants were ever admitted or enrolled as members of the Choctaw tribe of Indians, or that their alleged ancestors ever complied or attempted to comply with said article 14 of the treaty of 1830, or with the subsequent acts of Congress relating thereto.

Reporting in the matter March 17, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department finds no reason to disturb your decision, and it is hereby affirmed.

Respectfully,

(signed) THOS RYAN.

1 inclosure.

Acting Secretary.

M C R 4545

COPY.

Muskogee, Indian Territory, April 23, 1903.

Manfield, McMurray & Cornish,
Attorneys for the Choctaw & Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 9th day of April 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Dorsey Dickerson, et al., of which decision you were advised by mail on the 18th day of January, 1903.

Respectfully,

(SIGNED)

Tates Bixby.
Chairman.

M C R 4545

COPY.

Muskogee, Indian Territory, April 23, 1903.

Dorsey Dickerson,
Starkville, Mississippi.

Dear Sir:

You are hereby notified that on the 9th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Dorsey Dickerson, et al., of which decision you were advised by registered mail on the 19th day of January, 1903.

Respectfully,

SIGNED,

Tamr Bixby

Commissioner.

REFER TO M. C. R. 4545

Dorsey Dickinson, et al

Consolidated Case

Alex Indian, full Deas
and
Harriet Dickerson, Deas
Slave

McR
45 46
Dorsey Dickerson 39 1/2
wife
Lena Dickerson, wgs

McR
45 46
Sarah Dickerson 18
" Gertie Dickerson 16
" Carter Dickerson 13
" Nettie Dickerson 10
" Mary Dickerson 8
" Dorsey Dickerson 5
" William V. Dickerson 3

McR
45 46
Willie Cozart 37 1/2
wife
① Georgia Cozart Deas
② Rosena Cozart

McR
45 46
Bradley Cozart, 17
" Sammy Cozart, 5

Note Affidavit in McR 45 46 states that Harriet had one
half Choctaw blood, but appl. can't state she
was a slave and do not claim through her.

#1639

No. 4545

For Identification as a Mississippi Choctaw.
Meridian, Miss.

JAN 17 1902

Date

Name

Dorsey Dickerson

Age

39

Blood

1/2

Post Office,

Starkville, Miss.

Father:

Alex. Indian d

Mother:

Harriet Dickerson d

Claims through

father.

wife

Lena Dickerson
(no claim for her)

L

(Claims for self and 7 children.)

Children:

Sarah	Dickerson	18
Gertie	"	16
Carter	"	13
Hattie	"	10
Mary	"	8
Dorsey	"	5
William V	"	3

(Names of all ancestors whose names
are known are shown hereon.)

Stenographer

J. S. Niles

Choctaw MCR 4546

Willie Cozart

See MCR 4546

MCR 4546

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, January 17th, 1902.

In the matter of the application of Willie Cosart for the
identification of himself and his two minor children, Bradley and
Savannah Mississippi children.

Said Willie Cosart, being first duly sworn, testified as
follows:-

J. E. Arnold, attorney for applicant.

Examination by the Commission.

- Q What is your name? A Willie Cosart.
Q How old are you? A About thirty-seven.
Q How much Choctaw blood do you claim to have? A One-half.
Q What is your postoffice address? A Starkville.
Q How long have you lived in Oktibbeha County? A Well, I lived
there off and on all my life.
Q You have lived in the State of Mississippi all your life, have
you? A Yes sir.
Q Is your father living? A No sir.
Q What was his name? A Alex Indian.
Q Did he have a Choctaw name? A Yes sir.
Q What was it? A Well, I was small when he left us and I don't know
much about him. I saw him.
Q Did he have a Choctaw name? A I don't know no other name but
Alex.
Q Do you know the name of either of his parents? A No sir.
Q You know nothing whatever about his ancestors? A No sir.
Q You are sure that Alex was a full blood Indian? A Yes sir.
Q And he was your father? A Yes sir.
Q Is your mother living? A No sir, she is dead.
Q What was her name? A Harriet.
Q She was a slave, was she not? A Yes sir.
Q Were your father and mother married? A I don't know whether
they were or not-they lived together as man and wife.
Q How long did they live together as man and wife? A They lived
together as long as I can remember. They lived together until he
died.
Q Did he have any other wives besides your mother? A No sir.
Q Are you sure of that? A Not at that time.
Q Did she have any other husbands besides him? A No sir.
Q Did she have any children by any other man besides him? A No
sir.
Q Did he have any other children besides you and your brother?
A I don't know.
Q Did you ever hear that he had others? A No sir.
Q How long did he and your mother live together? A I don't know
exactly-they lived together to my recollection they were together
eight or ten years-from what I could learn.
Q That was during slavery times that they were together-wasn't it?
A Well, they were together some time that time.
Q How long since the slaves were freed did they live together?
A I don't know how long it was but it was five or six years to my
recollection.

Willie Cosart et al---2

Q How many children did they have? A Two.
Q Just you and your brother Dorsey Dickerson? A Yes sir.
Q Did Alvin Indian live in Oktibbeha County all his life? A Sometimes he has gone and I don't know where he was when he was gone.
Q Do you know where he was born? A No sir.
Q You are sure he was a full blood Indian? A Yes sir.
Q And that he was your father? A Yes sir.
Q Are you married? A Yes sir.
Q Are you living with your wife at this time? A Yes sir.
Q Has she any Choctaw blood? A It is so said but I don't know.
Q You don't care to make any claim for her then? A I couldn't tell anything about her more than what I have heard and I don't know very much about that.
Q You don't feel that you could swear that she has Choctaw blood and don't care to make application for her, is that it? A Yes sir.
Q What is her name? A Rosena.
Q Have you been married more than once? A Yes sir.
Q Is your first wife living? A No sir.
Q Did she die before you married your second wife? A Yes sir.
Q You have just been married twice? A Yes, twice.
Q Has your wife been married more than once? A Yes sir.
Q Is her first husband dead? A Yes sir.
Q Has she been married more than twice? A No sir.
Q Rosena is a colored woman, is she? A Yes sir.
Q How many children have you living? A Two living.
Q What are their names and ages? A Bradley.
Q How old is he? A About seventeen or eighteen years old.
Q Next one? A Sammy.
Q About how old is he? A Five years old.
Q Are these children both living with you at this time? A Yes sir.
Q Are they both by Rosena Cosart? A No sir, the oldest one by my first wife.
Q What was your first wife's name? A Georgia.
Q Was she a colored woman? A Yes sir.
Q Did she have any Choctaw blood? A No sir.
Q Sammy is by your present wife? A Yes sir.
Q Were you married to Georgia under a license? A Yes sir.
Q Where did you get your license? A Friars Point, Mississippi.
Q What County? A Choctaw County.
Q When were you married to her? A I don't remember what year it was but it was in 1911.
Q Who was your father? A Walker.
Q A preacher? A Yes sir.
Q Have you your marriage license and certificate with you? A No sir.

It will be necessary for you to furnish the Commission with proper evidence of your marriage for use in the consideration of the claim you make for your son Bradley. You will be allowed a reasonable time in which to offer this evidence but the Commission would be glad to have you offer it within thirty days from this date if you can.

Q Were you married to your second wife under a license? A Yes sir.
Q Where were you married to her? A Starkville.

Willie Conart et al---3

Q When were you married to her? A I think it was the year '93.
Q Who married you? A Lucius Lee.
Q What official position does he hold? A Preacher.
Q Have you your marriage license and certificate with you at this time? A No sir.

It will be necessary for you to furnish the Commission with proper evidence of your marriage to Rosena, your second wife, for use in the consideration of the application you make in behalf of your minor son Sammy. You will be allowed a reasonable time in which to submit such evidence but the Commission would be glad to have you offer it within thirty days if it is possible for you to do so.

Q This application is for yourself and two minor children, is that right? A Yes sir.
Q Is your name or the name of either of these children to be found upon any of the Choctaw Tribal rolls in Indian Territory? A No sir.
Q Did you ever make application to the Choctaw Tribal authorities in Indian Territory for yourself or either of these children to be admitted or enrolled as members of that Tribe? A No sir.
Q Did you in the year 1896 make application to this Commission for citizenship in the Choctaw Nation under the act of Congress approved June 10, 1896? A No sir.
Q Have you ever made any application of any description for yourself or any of these children before today? A No sir.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.
Q Do you understand article 14 of the treaty of Dancing Rabbit Creek? A No sir.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw Tribe of Indians. At the time this treaty was made the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, part of which is now occupied by the greater portion of the Choctaw Tribe of Indians and is commonly known as the Choctaw Nation Indian Territory. At the time the treaty was made some of the Indians were unwilling to leave this country and for the benefit of those who wanted to stay here what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who preferred to stay here in Mississippi and become a citizen of the States might do so and take land here in Mississippi from the Government. It is as follows:-

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within

Willie Cozart et al---4

six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey, in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of the States, for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservations shall include the present improvement of the head of the family or a portion of it. Persons claiming under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you understand that 14th article of the treaty of Dancing Rabbit Creek? A Yes sir, I think I do.

Q Did any of your ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under that 14th article? A Not as I know of.

Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi or in Alabama in the year 1830 when this treaty was made-71 years ago? A Not as I know of.

Q Were any of them recognized members of the Choctaw Tribe of Indians here at that time? A I don't know, sir.

Q Did any of them live here in the old Choctaw Nation in Mississippi and Alabama 71 years ago when this treaty was made? A I don't know sir.

Q Did any of them remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A I don't know, sir.

Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here in Mississippi and become citizens of the States and take land? A Not as I know of.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A I don't know, sir.

Q Or under any other article of that treaty or under the supplement to that treaty? A Not as I know of.

Q Did any of them ever get any land from the Government of the United States, here in Mississippi? A I don't know, sir.

Q Did any of them ever get any money from the Government? A Not as I know of.

Q Were any of them ever recognized members of the Choctaw Tribe of Indians? A I don't know, sir.

Q Did any of them ever live in Indian Territory? A Not as I know of.

Q Did any of them ever receive any benefits as Choctaw Indians? A Never heard of it if they did.

Willie Cozart et al---5

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this Agent failed to register and report to the Government the names of many Choctaws who did in fact let him know that they wanted to stay here and become citizens of the States and take land, and, on this account, the Government at its public land sales here in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under article 14 of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed an act which was approved the 3rd day of March, 1837, providing for the appointment of a Commission to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. This Commission was duly appointed by the President of the United States and the Commissioners came down here to Mississippi and heard a few of these Choctaw cases but in the time allowed them by the act of Congress under which they were appointed and a later act of Congress which was approved the 22nd day of February, 1838, providing for the continuance of this Commission, they were unable to hear but a comparatively small number of these cases. It therefore became necessary for Congress to make further provision by which the remainder of these Indians might be given hearings. So another act was passed which was approved the 23rd day of August, 1842, providing for the appointment of another Commission to come down here and finish up this work. This Commission came down here in the forties and heard a great many of these cases.

Q Did any of your ancestors appear before either of these Commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A Not as I know of.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to select, in lieu thereof, land elsewhere in Mississippi, or in Alabama, Louisiana or Arkansas, from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this act of Congress? A Not as I know of.

Willie Cozart et al---6

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A I don't know, sir.
Q You don't know of anyone? A No sir.
Q Have you any witnesses here today? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here at Meridian at any time before the 15th of next month or within a reasonable time thereafter at the general office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Have you any brothers living besides Dorsey Dickerson? A No sir.
Q Is he your full brother? A Yes sir.
Q How does it come that you have a different surname than his? A His uncle raised him and my aunt raised me and when my aunt put me to school she gave me that name.
Q Have you any brothers or sisters dead? A No sir.
Q Are any of your father's brothers or sisters or any of their children living? A Not as I know of.

This applicant has the appearance of being a negro-shows very slight, if any, indications of being possessed of Indian blood. He does not speak or understand the Choctaw language.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, January 17th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 24th day of January, 1902, at Meridian, Mississippi.

L. B. Marley
Clerk U.S. Circuit Court, Southern District of Mississippi.

By *[Signature]* Deputy.

Muskogee, Indian Territory, January 30, 1902.

J. F. Arnold,

Meridian, Mississippi,

Dear Sir:

Receipt is hereby acknowledged of your letter of the twenty seventh instant, inclosing papers for filing in support of applications for identification as Mississippi Choctaws as follows:

Certified copy of the marriage license and certificate between Dorsey Dickinson and Malinda Carter, and joint affidavit of Henry Smith and Allen Jordan, to be filed with the case of Dorsey Dickerson, et al. M.C. 4545.

Certified copy of marriage license and certificate between Willie Gosart and Rosa Rana Gregory, and joint affidavit of Henry Smith and Allen Jordan, to be filed with the case of Willie Gosart, et al. M.C. 4545.

The same have been filed with the records in the above named cases and will receive consideration in the disposition of the applications.

Yours truly,

Acting Chairman.

M.C. 4543

Muskogee, Indian Territory, February 8, 1902.

J. R. Arnold,

Atoka, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of the fifth instant, inclosing certified copy of marriage license and certificate between Willie Cogart and Georgie Portwood, offered in support of the application for identification as Mississippi Choctaws of Willie Cogart, et al., and the same has been filed with the record in this case.

Yours truly,

Commissioner in Charge.

Muskogee, Indian Territory, January 19, 1903.

Willie Gosart,
Starkville, Mississippi.

Dear Sir:

You are hereby advised that on the 19th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Dorsey Dickerson, et al., embracing the following applications for identification as Mississippi Choctaws:

Dorsey Dickerson, et al.	M.C.R. 4545
Willie Gosart, et al.	M.C.R. 4546

These applications were made under the provisions of the act of Congress of June 28, 1898 (30 Stat., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Dorsey Dickerson, Sarah Dickerson, Corlie Dickerson, Gustar Dickerson, Mattie Dickerson, Mary Dickerson, Dorsey Dickerson (Jr.), William V. Dickerson, Willie Gosart, Bradley Gosart

Willie Gosart,--3

and Sammy Gosart as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be re-
solved, and it is so ordered.

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

T. B. Needles.
Commissioner in Charge.

Registered.

M C R 4544

COPY:

Muskogee, Indian Territory, April 23, 1903.

Willie Cozart,
Starkville, Mississippi.

Dear Sir:

You are hereby notified that on the 9th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Dorsey Dickerson, et al., of which decision you were advised by registered mail on the 19th day of January, 1903.

Respectfully,

(SIGNED)

Tame Dixby.

Chairman.

No. 4524

For Identification as a Mississippi Choctaw.

Meridian Miss.

Date

JAN 17 1902

Name Willie Cozart

Age 37 Blood $\frac{1}{2}$

Post Office, Starkville, Miss.

Father: Alex. Indian d

Mother: Harriet " d

Claims through father.
wife Rosena Cozart, L.
(No claim for wife)

(Children or children)

Children:

Bradley Cozart 17

Sammy " 5

Mother Georgia Cozart d
no Choctaw blood

(Names of all ancestors who are known, are shown hereon.)

Stenographer

J. I. Niles

Choctaw MCR 4547

Sealy Ann Hallman

MCR 4547

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Sealy Ann Hallman, et
al., for identification as Mississippi Choctaws, M.C.R. 4347

List of papers
forwarded to the Secretary of the Interior, with the record in the
above case, together with the page occupied by each
in said record.

	page
Original application of Sealy Ann Hallman, et al., to the Dawes Commission for identification as Mississippi Choctaws,	1
Decision of the Commission refusing the ap- plication of Sealy Ann Hallman, et al., for identi- fication as Mississippi Choctaws,	2

4547

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, January 18, 1902.

In the matter of the application of Sealy Ann Hallman, for the identification of herself and one minor child, Jack, as Mississippi Choctaws. J.E. Arnold, Attorney for applicant.

Sealy Ann Hallman, having been first duly sworn, upon her oath testified as follows:

Examination by the Commission.

- Q What is your name? A Sealy Ann Hallman.
- Q How old are you? A I will be forty years old the 10th of March.
- Q How much Choctaw blood have you? A One-half.
- Q What's your post office address? A Tuscaloosa, Alabama.
- Q How long have you lived in Alabama? A I have been in Alabama - I don't know how long it's been. When they first brought me here in Alabama, I wasn't but three years old.
- Q Where did you live before that? A I was born down here in Mississippi somewhere; I lived in Mississippi until they went to Alabama; I was born down here somewhere in the Choctaw Nation in a cane-brake. I was three years old when they carried me there; you know I have to go by what they said.
- Q How have you lived in Mississippi and Alabama all your life? A I went back to Mississippi and lived there five years, and I have been in Alabama ever since until I came here.
- Q Is your father living? A No, sir, he died before my mother did.
- Q What was your father's name? A John Mattex.
- Q Is your mother living? A No, sir, my mother's dead too.
- Q What was her name? A They called her Squaw, but her right name was Darkis, but that wasn't her name.
- Q What was her right name? A Darkis.
- Q How long has she been dead? A Been dead five years.
- Q Where was she born? A In the Choctaw Nation; born in the Indian Nation.
- Q In the Territory? A In the Choctaw Nation is where she was born; I don't know whether that's the Territory, or what it is.
- Q How in Mississippi? A Yes, sir, here in Reed somewhere; she was raised in Mississippi.
- Q She lived here in Mississippi and Alabama all her life? A Yes, sir.
- Q How old do you think she would be if she were living now? A I can't tell you how old she was when she died - my mother was fifty one years old when she died, and she has been dead five years.
- Q You get your Choctaw blood solely through her? A Yes, sir, I get it through her because my daddy didn't have nothing in him but white; he didn't have no Indian in him.
- Q Are you sure your mother was a full blood Choctaw Indian? A Yes, sir, she was a full blood, because she couldn't talk plain English at all.
- Q Did she speak or understand the Choctaw language? A Yes, sir, she spoke like the Choctaws, but she got a letter from her father about eight years ago, grand pa Wah-hoo, John Wah-hoo.

Sealy Ann Hallman, et al., 2.

Q Where did he live? A Down in Mississippi somewhere, she came from, and she had a brother come out here hunting her when I was about five years old, and he was named Fiddler John, and he got killed down here at Mobile.

Q Was he a Choctaw or Chickasaw? Which? A Choctaw, I reckon; the same as my mother was.

Q Do you know that your mother was a Choctaw? A Yes, sir, he got killed down at Mobile.

Q Did you ever see your mother's father? A No, sir, he never did come out here, but he wrote to mother.

Q He lived here in Mississippi when he wrote? A Yes, sir, he wrote that he was coming after her.

Q Did you ever see your mother's mother? A No, sir.

Q Do you know what her name was? A Aggie.

Q Did she have any Choctaw blood? A She must have been all, or my mother couldn't have been it. They was raised there amongst the Indians; she must have had all of it in her. The last I heard of grand pa he was up here - I done forget the name of the town in Mississippi - Aberdeen.

Q When did you hear from him last? A Its been ten years ago, or more.

Q You don't know the names of any of your ancestors, except those you have given? A No, sir, except the ones I have given, because my mother fetched me away, and I can't say only what I have heard her say. I have saw none of them but my uncle.

Q Are you married at this time? A Yes, sir, they run him off.

Q What is his name? A William Hallman.

Q Are you living with your husband at this time? A No, he left me about two years ago, and I haven't seen him for two years.

Q Has your husband any Choctaw blood? A No, sir, not that I know of.

Q You don't make any claim for him then? A No, sir, I don't make any claim for him, because I don't know.

Q Have you any children living? A I got one.

Q What's the child's name? A Jack.

Q How old is Jack? A Eight years old.

Q Is he living with you at this time? A He was living with me before I come down here; I left him with a white woman, Mrs. White, when I come down here. I have been in Tuscaloosa three months.

Q Where is your child? A At Birmingham, Alabama.

Q You are supporting him, and taking care of him, is that right?

Q You want to make application for him too? A Yes, sir.

Q That's the only child you have got living? A That's the only one living.

Q This application is for yourself and one minor child? A Yes, sir.

Q Is your name, or the name of this child, to be found upon any of the Choctaw tribal rolls in Indian Territory? A I don't know.

Q Have you ever made any application of any description before today to either the tribal authorities or the United States authorities?

A No, sir, this is the first one.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and one minor child under article 14 of the treaty of Dancing Rabbit Creek? A Yes, sir.

Q Do you understand article 14 of the treaty of Dancing Rabbit Creek? A Yes, sir.

Q Do you understand that? A You mean I understand that I signed this?

Sealy Ann Hallman, et al., 3.

Q No, I am talking about an old treaty. Do you know what a treaty is? A No, sir, I don't know what that means.

Q A treaty is a contract or an agreement, except that it is between Nations? A Yes, sir, I understand that.

Q Do you understand this 14th article of the treaty of Dancing Rabbit Creek? The treaty of Dancing Rabbit Creek was made between the Government of the United States and the Choctaw Indians here seventy one years ago; the 14th article is a little part or subdivision of that treaty? A No, I don't know.

This treaty was made here in Mississippi seventy one years ago and over between the Government of the United States and the Choctaws for the purpose of getting these Indians to move from this country out west of the Mississippi River to a new country, a part of which is now occupied by the greater portion of the Choctaw tribe of Indians, and commonly known as the Choctaw Nation, Indian Territory. At the time this treaty was made, the Choctaws were living here in Mississippi and Alabama, and some of them didn't want to go out to the new country, and so for the benefit of those who wanted to stay here what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who preferred to stay here in Mississippi might receive land here in Mississippi from the Government of the United States. It is as follows:

"Each Choctaw head of a family being desirous to remain and become citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you understand that 14th article now? A No, sir.

That 14th article, or rather the requirements of that 14th article were requirements made of Choctaws who lived here in Mississippi seventy one years ago, when the treaty was made. First, if a Choctaw wanted to stay here in Mississippi and become a citizen of the States, he was

Sealy Ann Hallman, et al., 4.

required by that 14th article to let the agent of the Government here in Mississippi know within six months after the treaty was ratified, that is, within six months from February 24, 1831, that he wanted to stay here in Mississippi, and he was thereupon entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; and if he had a child in his family over ten years of age, for that child he was entitled to half that quantity, or three hundred and twenty acres, and for any child he may have had under ten years of age, he was entitled to one hundred and sixty acres. The reservation of the children must adjoin the location of the parents, and these reservations must include the present improvements of the parents as it existed on the 27th day of September, 1830, the day the treaty was made. Now, of course, we are referring to land here in Mississippi at that time; those people who lived here in Mississippi were to get land here in Mississippi if they stayed here, and they would get land which covered their homes at the time the treaty was made. The 14th article further required that they should live on that piece of land for five years from the 24th day of February 1831, the day the treaty was ratified, and in that case they would be entitled to a grant in fee simple; that is, the Government would give them a deed or patent to the land, and it would be theirs to dispose of at their own pleasure. Now, that 14th article further said that in case a Choctaw claimed under this article and stayed here in Mississippi and took land, he should not lose the privilege of a Choctaw citizen, but if he ever removed, that is, if he ever went out west to the new nation, he should not be entitled to any portion of the Choctaw annuity. The Choctaw annuity is money paid each year to the Choctaws under treaty stipulations.

Q Now, did any of your ancestors ever comply or attempt to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever receive any benefits under that article? A No, sir, I don't know seventy one years ago; I wasn't born then.

Q Did any of them ever live here in the old Choctaw Nation, in Mississippi and Alabama, in the year 1830, when this treaty was made, seventy one years ago? A I don't know, sir.

Q Did any of them own an improvement here at that time? A I don't know seventy one years ago whether there was any of them here or not.

Q Were any of them recognized members of the Choctaw tribe of Indians here at that time? A I don't know.

Q Did any of them remove from the old Choctaw Nation, here in Mississippi and Alabama, to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians, between the years 1833 and 1838? A No, sir, not that I know of.

Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was ratified, that is, six months from February 24, 1831, let the agent here in Mississippi for the Choctaws know that they wanted to stay here and become citizens of the States and take land; that is, did any of your old folks? A No, sir, I don't know that.

Sealy Ann Hallman, et al., 5.

Q Did any of them claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A None of my connection didn't, that I know of. You know I don't know any of the old folks here at that time besides my mother, she just run about and made baskets.

Q Well, your mother wasn't living here seventy one years ago?

A No, sir; she wasn't that old; I don't know whether her mother was that old, or not.

Q Did you ever hear of any of your ancestors ever having gotten any land here in Mississippi from the Government? A No, sir.

Q Or any money from the Government? A No, sir.

Q Were any of them ever recognized members of the Choctaw tribe of Indians? A None byt my ma; she went with them; they recognized her wherver they seen her at is all I know.

Q Was she ever in Indian Territory? A No, sir, not as I know of.

Q Did any of your ancestors ever receive any benefits as Choctaw Indians? A None as I know of.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this agent failed to register and report to the Government the names of many Indians who did in fact let him know they wanted to stay here and become citizens of the States and take land, and on this account, the Government at its public land sales here in Mississippi in many instances sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under article 14 of the treaty of Dancing Rabbit Creek. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress, and Congress passed an Act which was approved on the third day of March, 1837, providing for the appointment of a Commission to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. This commission was duly appointed by the President of the United States, and the Commissioners came down here to Mississippi and heard a few of these Choctaw cases, but in the time allowed them by the Act of Congress under which they were appointed, and a later Act of Congress which was approved on the 22nd day of February, 1838, providing for the continuance of the Commission, they were unable to dispose of but a comparatively small number of cases: It, therefore, became necessary for Congress to make further provisions by which the remainder of these Indians might be given hearings, so another Act was passed which was approved on the 23rd day of August, 1842, providing for the appointment of another commission to come down here and finish up these cases. This commission was appointed by the President of the United States, and the commissioners came down here to Mississippi and heard a great many more of these Choctaw cases. That was in the forties they came down here.

Sealy Ann Hallman, et al., 6.

Q Do you know whether any of your ancestors ever appeared before either of these commissions and attempted to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A No, sir, I don't know nothing about it.

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in lieu thereof, land elsewhere in Mississippi, or Louisiana, or Alabama, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any of this scrip from the United States Government under this Act of Congress? A No, sir.
Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, sir, I would have to go back in Mississippi where they came from to find them.
Q Have you any witnesses here to-day? A No, sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission, they may appear before the Commission here at Meridian, Mississippi, before February 15th, and within a reasonable time thereafter at the General office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Have you any further statements you desire to make at this time? A No, sir.
Q Have you any brothers or sisters living? A No, sir.
Q Did you ever have any brothers or sisters? A If I ever had any, they come here before I did; I don't know anything about it.
Q Are any of your mother's brothers or sisters or any of their children living? A I don't know that either.
Q Do you speak or understand the Choctaw language? A No, sir, I can't talk it. My mother could talk it, but I can't talk it.

(This applicant has the appearance of being possessed of as much Indian blood as is claimed by her; she does not speak or understand the Choctaw language.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 18th day of January, 1902, and that the above

Sealy Ann Hallman, et al., 7.

and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. J. Street

Subscribed and sworn to before me at Meridian, Mississippi,
this 22nd day of January, 1902.

L. B. Mosely
Clerk U.S. Circuit Court,
Southern District of Mississippi.

By *[Signature]*

Deputy.

W.L.
Cott.

COPY.

DEPARTMENT OF THE INTERIOR,
BUREAU OF THE LAND COMMISSIONERS.

In the matter of the application of John A. Miller, et
al., for identification as Mississippi Choctaw, U.S.D. 4447.

DECISION.

It appears from the record herein that an application for
identification as Mississippi Choctaw was made by John A. Miller,
et al., and that the same was referred to the Commission
for the purpose of determining the validity of the same.

It also appears that both of said applicants claim rights in the Cherokee lands under article fourteen of the treaty between the United States and the Cherokee Nation, concluded September twenty-second, eighteen hundred and thirty, by reason of being descendants of John Walker, who is alleged to have been a Cherokee Indian (degree of blood not stated), and one Annie, who is alleged to have been a full-blood Cherokee Indian.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission that neither of said applicants has ever been enrolled by the Cherokee tribal authorities as a member of the Cherokee tribe, or admitted to Cherokee citizenship by a duly constituted court or committee of the Cherokee Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress, approved June 25, 1906, (34 Stat., 224).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who applied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were Cherokee thereunder, that the said John Walker, or the said Annie, signified (in person or by proxy) to fulfill the treaty between the Cherokee Nation and the United States, in accordance with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress, approved March 3, 1893, (27 Stat., 597) and August 22,

1884 (S. State., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Pealy and Mallum and Jack Mallum as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it be so decreed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED

Tams Bixby.

Acting Chairman.

SIGNED

T. B. Needles.

Commissioner.

SIGNED

T. R. Breckinridge.

Commissioner.

Dated at Muskogee,
Indian Territory, this

DEC 5 1907

M.C.R. 4547.

COPY.

Muskogee, Indian Territory, December 5, 1902.

Manfield, McMurray & Cernish,
Attorneys for the Choctaw and Chickasaw Nations.
South McAlester, Indian Territory.

Gentlemen:

~~...You are further advised that on the 5th day of December,~~
ber, 1902, the Commission to the Five Civilized Tribes rendered a
decision in the case of Sealy Ann Hallman, et al., applicants for
identification as Mississippi Choctaws.

This application was made under the provision of the act
of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the
evidence herein is insufficient to determine the identity of Sealy
Ann Hallman and Jack Hallman as Choctaw Indians entitled to rights
in the Choctaw lands under the provisions of said article fourteen
of the treaty of eighteen hundred and thirty, and that the applica-
tion for their identification as such should be refused, and it is
so ordered."

You are further advised that the applicants in this case
have been allowed fifteen days from the date hereof within which to
file arguments in this office, and that at the expiration of said
time the papers in the case, together with such arguments will be
forwarded for review to the Secretary of the Interior through the
Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

James Bixby
Acting Chairman.

M.C.R. 4547.

COPY
Muskogee, Indian Territory, December 5, 1902.

Sealy Ann Hallman,
Tuscaloosa, Alabama.

Dear Madam:

You are hereby advised that on the 5th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Sealy Ann Hallman, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stat., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Sealy Ann Hallman and Jack Hallman as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the

S.A. 100-1.

case, together with such arguments will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED:

James D. Kirby

Acting Chairman.

Registrar.

COPY.

Muskogee, Indian Territory, December 22, 1902.

The Honorable,

Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Sealy Ann Hallman, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of December 5, 1902.

The Commission has the honor to report that the principal applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Through the
Commissioner of Indian Affairs.

Enc. 1 H. C. R. 4547.

Tamie Dixby.

Acting Chairman.

Land
76158--1902.

COPY

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, Feb. 28, 1903.

The Honorable,
The Secretary of the Interior.

Sir:

I have the honor to transmit herewith for your consideration the record of the Commission to the Five Civilized Tribes in the matter of the application of Sealy Ann Hallman for herself and her minor child Jack Hallman for identification as Mississippi Choctaws, claiming rights as such under the provisions of the 14th article of the treaty of 1830.

The testimony in this case shows that the applicants base their claim to identification under this application on their descent from Aggie and John Wah-hoo (or Wau-hau-tohie)--who, it is alleged, were Choctaw Indians and residents in the Choctaw Nation in Mississippi at the time of the making of the Choctaw treaty of 1830--through the principal applicants mother, Darkie.

The Commission rejected the applicants December 5, 1902, because the names of their ancestors through whom they claim do not appear among those who complied or attempted to comply with the provisions of the 14th article of said treaty, and for the additional reason that the applicants have never been enrolled as citizens of the Choctaw Nation.

An examination of the records of this office has been made with

reference to the names of John Wah-hoe (or Wau-hau-tohie), Aggie and Darkie, and it is discovered that their names do not appear among those who complied or attempted to comply with the provisions of the 14th article of said treaty; neither does it appear that they applied to the commissions appointed under the Acts of March 3, 1837, and August 23, 1842, for an adjudication of their rights if they had any as Cherokee Indians.

Under date of February 14th there was received from the Commission an affidavit in support of the application, which does not in any way tend to change the case already set forth or prove the compliance of the ancestors of the applicants with the provisions of the 14th article of said treaty.

It is therefore respectfully recommended that the decision of the Commission be approved.

Very respectfully,

A. G. Tenner,

Acting Commissioner.

C.T.C. (S)

D.C. 13121
L.T.D. 2476-1903.
IRS

DEPARTMENT OF THE INTERIOR.
WASHINGTON

Copy
JWH
FHE
May 2, 1903

Commission to the Five Civilized Tribes,
Muskegee, Indian Territory.

Gentlemen:

December 22, 1902, you transmitted the record in the case involving the application for identification as Mississippi Choctaws Of Sealy Ann Hallman (W.C.R. 4547), for herself and her minor child, Jack Hallman, including your decision of December 5, 1902, refusing to identify them as such.

The principal applicant, Sealy Ann Hallman, is an one-half blood Choctaw who was born in 1863 in the old Choctaw Nation in Mississippi. From there she removed to Alabama. Her mother was also born in that Nation. She was a full blood Choctaw named Darkie. The latter was the daughter of John Wah-hoo, alias John Wauhatchie, and his wife, Aggie, both of whom were full blood Choctaws.

The testimony as furnished by the record fails to show that these applicants, or any of their alleged ancestors ever complied or attempted to comply, in person or by proxy, with the provisions of article 14 of the treaty of September 20, 1830, or with the subsequent acts of Congress relating thereto.

It further appears that the records of the government in your possession, as well as those at the Indian Office, fail to show that any person whatever bearing the name of any of the alleged ancestors, ever complied or attempted to comply with said article or

acts.

The Department is therefore of the opinion, in view of the testimony now before it, that these applicants have failed to establish their claims.

Reporting in the matter February 28, 1933, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department finds no reason to disturb your decision, and it is hereby affirmed.

Respectfully,

(Signed) Thom Ryan,

Acting Secretary.

1 inclosure.

N C R 4547

Muskogee, Indian Territory, February 9, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the affidavit of Lucy Briggs in the matter of the application for identification as Mississippi Choctaws of Sealy Ann Hallman, et al., which was received at this office subsequent to the date of the forwarding of the original record in this case to the Department.

Respectfully,

Acting Chairman.

Through the Commissioner

of Indian Affairs.

W. H. M-23

M C R 4547

Muskogee, Indian Territory, February 9, 1903.

Sealy Ann Hallman,

1320 14th Street, 25th Avenue,
Tuscaloosa, Alabama.

Dear Madam:

Receipt is hereby acknowledged of your letter of January 27, 1903, enclosing the affidavit of Lucy Briggs in support of your claim for identification as a Mississippi Choctaw, and you are informed that the same has been forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Acting Chairman.

Muskogee, Indian Territory, February 14, 1903.

The Honorable,
The Secretary of the Interior.

Sir:

In the matter of the Mississippi Choctaw case of Sealy Hallman, the record therein, together with the decision of the Commission refusing her application for the identification of herself and her minor child as Mississippi Choctaws, was, on December 22, 1902, forwarded to the Department.

On February 9, 1903, there was filed with the Commission the affidavit of Lucy Briggs, and the same is herewith transmitted.

Respectfully,

Through the Commissioner
of Indian Affairs.

Acting Chairman.

V H X 22

M C R 4547

Muskogee, Indian Territory, April 7, 1903.

Sealy Ann Hallman,
#1350 14th Street, 25th Avenue,
Tuscaloosa, Alabama.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 30th ultimo, relative to the decision of the Commission refusing your application for identification as a Mississippi Choctaw.

In reply you are informed that on December 22, 1902, the record in your case, together with the decision of the Commission refusing the application made by you for the identification of yourself and minor child was forwarded to the Secretary of the Interior. As soon as the Commission is advised of the decision of the Secretary, you will be notified thereof.

Respectfully,

L. O. A. 4847

COPY

Muskogee, Indian Territory, May 11, 1908

Sealy Ann Hallman,

Remitted. Birmingham Ala. July 2, 1908
2500 6th Ave Sept 2, 1908

Dear Madam:

You are hereby notified that on the 2nd day of May, 1908, the Secretary of the Interior affirmed the decision of the Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Sealy Ann Hallman, et al., of which decision you were advised by registered mail on the 5th day of December, 1908.

Respectfully,

(SIGNED)

T. B. Needles

COMMISSIONER IN CHARGE

M.C.R. 4547.

COPY.

Wahkago, Indian Territory, May 11, 1903.

Manfield, McMurray & Gornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 2nd day of May, 1903,
the Secretary of the Interior affirmed the decision of the Commis-
sion refusing the application for identification as Mississippi
Choctaws of the several persons included in the case of Realy Ann
Hallman, et al., of which decision you were advised by mail on
the 5th day of December, 1902.

Respectfully,

SIGNED: T. B. Needles.
COMMISSIONER IN CHARGE.

M C R 4547

Muskogee, Indian Territory, September 30, 1903.

Sealy Ann Hallman,
#2500 6th Avenue,
Birmingham, Alabama.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 28th instant, wherein you ask to be advised the status of your application for identification as a Mississippi Choctaw.

In reply you are informed that it appears from our records that on May 2, 1903, the Secretary of the Interior approved the decision of the Commission refusing the application made by you for the identification of yourself and minor child as Mississippi Choctaws, of which departmental action you were duly notified on May 11, 1903, at Tuscaloosa, Alabama. Said letter was returned to this office marked "unclaimed" and is this day remailed you at your present post office address.

The Commission now considers your case closed.

Respectfully,

Commissioner in Charge.

M C R 4547

Muskegee, Indian Territory, July 19, 1906.

Sealy Ann Hallman,
2304 2nd Avenue,
Birmingham, Alabama.

Dear Madam:

Replying to your letter of the 14th instant, you are informed that the Secretary of the Interior on May 2, 1903, affirmed the decision of the Commission to the Five Civilized Tribes of December 5, 1902, refusing the application for the identification of yourself and child as Mississippi Choctaws. This case is considered closed.

Respectfully,

Commissioner.

No. 4547

For Identification as a Mississippi Choctaw.
Meridian, Miss.

Date JAN 18 1902

Name Sealy Ann Hallman

Age 39 Blood 1/2

Post Office, Tuscaloosa, Ala.

Father: John Mattox d

Mother: Darkie "

Claims through mother
husband William Hallman = 2
(no claim for husband)
(Claims for self and one child.)

Children:

Jack Hallman 8

(Names of all ancestors whose
names are known are
shown hereon.)

Stenographer

R. S. Strick.

Choctaw MCR 4548

John W. Glenn

MCR 4548

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE INDIAN CIVILIZED TRIBES.

In the matter of the application of John W. Glenn for
identification as a Mississippi Choctaw, M. C. R. 4548.

I N D E X

List of papers forwarded to the Secretary of the Interior, comprising
the record in the case of John W. Glenn, M.C.R. 4548.

	Page
Original application of John W. Glenn to the Dawes Com- mission for identification as a Mississippi Choctaw, - -	1
Decision of the Commission refusing the application of John W. Glenn for identification as a Mississippi Choctaw, -	6

4548

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, January 18, 1902.

In the matter of the application of John W. Glenn for
identification as a Mississippi Choctaw.

John W. Glenn, having been first duly sworn, upon his
oath testified as follows:

Examination by the Commission.

Q What is your name? A John W. Glenn.
Q How old are you? A Twenty five, going on twenty six.
Q How much Choctaw blood have you? A I cannot tell.
Q How much do you claim to have? A Some says its a quarter.
Q Well, is that right? A Yes, I go by what some of them says.
Q Don't you know how much you have? A No, sir, I can go by a
quarter that's all.
Q What is your post office address? A Singleton, Winston County,
Mississippi.
Q How long have you lived in Winston County? A All my life.
Q Is your father living? A Yes, sir.
Q What's his name? A Milton Glenn.
Q Is your mother living? A No, sir.
Q What was her name? A Her name was Vincy Glenn.
Q Through which one of your parents do you derive your Choctaw
blood? A My mother's side.
Q How long has she been dead? A Two or three years.
Q About how old was she at the time of her death? A I cannot tell
how old she was, but if she had lived on, she would be about along
forty eight.
Q How much Choctaw blood did she have? A Well, she had about a
half; her daddy told her that she had three-quarters.
Q Did she speak or understand the Choctaw language? A No, sir.
Q Do you? A No, sir, I don't understand the Choctaw language.
Q Through which one of her parents did your mother get her Choctaw
blood? A No, I couldn't tell about that.
Q You don't know which one it was? A No, sir.
Q Did you see either one of them? A No, sir, didn't see none but
her daddy; he was down in Neshoba County all the time.
Q You have seen him? A Yes, sir.
Q Was he a Choctaw? A Yes, sir, he was a Choctaw.
Q Was he a full blood Choctaw? A Yes, sir.
Q What was his name? A All I know is - I don't know what his other
name was; his name was Alex.
Q How long has this man Alex, whom you claim was a full blood
Choctaw, the father of your mother, been dead? A I couldn't tell
how long they been dead; long before - I couldn't tell that.
Q Well, how large were you when he died? A I don't know exactly how
old I was, but I was nearly half grown; I am now twenty five; I
couldn't give description how large I was; the news come to us, and
I didn't at that time make any inquiries of my mother how old I was.
Q Did Alex speak or understand the Choctaw language? A I suppose
so, he could speak words that we didn't know what he was talking

John W. Glenn, 2.

Q Where did he live during his life time? A He lived first in one place and then in another; he may be here a while, and then he might be somewhere else.

Q Where did he make his home? A In Weshoba County.

Q How old do you think he would be if he were living now? A That's impossible for me to tell unless I did know his age right then.

Q Do you know the name of either one of his parents? A No, sir.

Q What was your mother's mother's name? A I couldn't tell.

Q Do you know whether Alex was married to your mother's mother or not? A I couldn't tell nothing about that.

Q Was your mother a slave? A No, sir.

Q Was her father a slave? A No, sir.

Q Or her mother a slave? A I don't think she was.

Q Do you know? A I don't know, nothing about that; I know mother wasn't.

Q Was your father a slave? A I couldn't swear that he was.

Q Are you married? A No, sir.

Q This application, then, is for yourself only, is that correct? A Yes, sir.

Q Is your name on any of the Choctaw tribal rolls in Indian Territory? A No, sir, I don't know, sir.

Q Did you ever make application to the Choctaw tribal authorities in Indian Territory to be admitted or enrolled as a member of that tribe? A No, sir, haven't made any application of any kind before to-day.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under article 14 of the treaty of Dancing Rabbit Creek? A Yes, sir.

Q Do you understand that 14th article of the treaty of Dancing Rabbit Creek? A No, sir.

This treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw tribe of Indians. At the time the treaty was made, the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to secure the removal of the Indians from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, a part of which is now occupied by the greater portion of the Choctaw tribe of Indians, and is commonly known as the Choctaw Nation, Indian Territory. At the time the treaty was made, some of the Choctaws were unwilling to remove from this country, but preferred to stay here, and for the benefit of those who wanted to stay here that 14th article was put in the treaty. The 14th article provided that upon certain conditions a Choctaw who preferred to stay here in Mississippi might receive land here in Mississippi from the Government. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by

John W. Glenn, 3.

sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you understand that 14th article of the treaty of Dancing Rabbit Creek? A No, sir, I never understood it until I heard you give it out.

Q You understand it now? A Yes, sir.

Q Did any of your ancestors ever comply or attempt to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever receive any benefits thereunder? A I don't know; never heard anything about it.

Q Were any of them living here in the old Choctaw Nation, in 1830, when this treaty was made? A No, sir, never heard anything about it.

Q Were any of them recognized members of the Choctaw tribe of Indians here at that time? A No, sir.

Q Did any of them own an improvement here at that time? A I don't know, sir.

Q Did any of them remove from the old Choctaw Nation, here in Mississippi and Alabama, to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A I don't know, sir; I can't tell.

Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi for the Choctaws know they wanted to stay here in Mississippi and become citizens of the States and take land? A I don't know.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A I don't know.

Q Any of them ever claim or receive any land here in Mississippi from the Government under any other article of that treaty, or under the supplement to that treaty? A I don't know, sir.

Q Were any of your ancestors ever recognized members of the Choctaw tribe of Indians? A I don't know.

Q Did any of them ever receive any benefits as such? A I don't know.

Q Any of them ever live in Indian Territory? A I don't know, sir.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to

John W. Glenn, 4.

register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this agent failed to register and report to the Government the names of many Indians who did in fact let him know they wanted to stay here and become citizens of the States, and on this account, the Government at its public land sales here in Mississippi, in many instances, sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under article 14 of the treaty of Dancing Rabbit Creek. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed an Act which was approved on the third day of March, 1837, providing for the appointment of a commission to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. This commission was duly appointed by the President of the United States, and the commissioners came down here to Mississippi and heard a few of these Choctaw cases, but in the time allowed them under the Act of Congress under which they were appointed, and a later Act of Congress which was approved on the 22nd day of February 1838, providing for the continuance of the commission, they were unable to dispose of but a comparatively small number of these cases. It, therefore, became necessary for Congress to make further provisions by which the remainder of these Indians might be given hearings, so another Act was passed which was approved on the 23rd day of August, 1842, providing for the appointment of another commission to come down here and finish up the hearing of these cases.

Q Did any of your ancestors appear before either of these commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A I don't know, sir.

The Act of Congress approved August, 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in lieu thereof, land elsewhere in Mississippi, or Louisiana, or Alabama, or Arkansas, from vacant Government land, and that he should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any of this scrip from the Government of the United States under this Act of Congress? A I don't know, sir.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, sir, I don't know.

John W. Glenn, 5.

Q Have you any witnesses here to-day? A No, sir, not as I know of.

If you should find any witnesses whose testimony you desire to have taken by the Commission, they may appear before the commission here at Meridian, Mississippi, before the 15th of next month, or within a reasonable time thereafter at the General Office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Have you any brothers or sisters living? A I have some, but they are so far off.

Q How many have you living? A I have three sisters and two brothers off in some land or other.

Q Where do they live? A I couldn't exactly tell you where they are; one is in Louisiana somewhere, and I have got no letter from him in two or three years, and one is in Mississippi bottoms, and one of my sisters is in towards Akerman.

Q What are the names of these brothers and sisters of yours?

A One named Willie Glenn and Sammie Glenn; my sister's name's Mary; she goes now by the name -- she married --

Q What's her husband's name? A Calvin Yarbey.

Q Next one? A Nancy Jackson.

Q Next one? A The next sister that -- well she aint married yet.

Q What's her name? A Jennie Glenn.

Q You have named all your brothers and sisters who are living? A All of them might not be living; one is in Louisiana, and I don't know whether he is living or not.

Q Have you any brothers or sisters dead that you know of? A Two.

Q Were they grown at the time of their death? A No, sir, they wasn't grown.

Q Are any of your mother's brothers or sisters, or any of their children living? A I couldn't tell you.

(This applicant has the appearance of being a negro, and shows no indication of being possessed of Indian blood. He does not speak or understand the Choctaw language.)

R. B. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 18th day of January, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

Subscribed and sworn to before me at Meridian, Mississippi, this 22nd day of January, 1902.

L. B. Mosley
Clerk U.S. Circuit Court,
Southern District of Mississippi,

By *[Signature]*

Deputy.

J. W. L.
C. W.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of John W. Glenn for
identification as a Mississippi Choctaw, N. C. R. 4848.

----- DECISION -----

It appears from the record herein that an application
for identification as a Mississippi Choctaw was made to this Commis-
sion by John W. Glenn for himself under the following provision of
the act of Congress approved June 25, 1906 (34 Stat., 495):

"This Commission shall have authority to determine the
identity of persons claiming descent from the Choctaw
lands under Article Fourteen of the treaty between the United
States and the Choctaw Nation, concluded September twenty-seventh,
eighteen hundred and thirty, and to that end may examine
any books, records, witnesses and papers and other data available
by the Commission and make report to the Secretary of the Interior."

It also appears that this applicant claims rights in the
Choctaw lands under Article Fourteen of the treaty between the United
States and the Choctaw Nation, concluded September twenty-seventh,
eighteen hundred and thirty, by reason of being a descendant of one

-2-

Alex, who is alleged to have been a full blood Choctaw Indian.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission that said applicant has never been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission pointing to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Alex signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commission authorized to adjudicate such claims by the acts of Congress approved March 3, 1857 (9 Stats., 130) and August 25, 1848 (5 Stats., 113).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John W. Glenn as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the application for his identification

as such should be refused and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tams Bixby.
Acting Chairman.

(SIGNED) T. B. Needles.
Commissioner.

(SIGNED) C. R. Breckinridge.
Commissioner.

Washoe, Indian Territory.

OCT 24 1902

COPY.

M.C.R. 4548

Muskogee, Indian Territory, October 24, 1902

Mansfield, McMurray & Gernish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 24th day of October 1902 the Commission to the Five Civilized Tribes rendered a decision in the case of John W. Glenn, an applicant for identification as a Mississippi Choctaw.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stat., 498) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John W. Glenn as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the application for his identification as such should be refused and it is so ordered."

You are further advised that the applicant in this case

MM402

has been allowed fifteen days from the date hereof within which to file argument in this office and that at the expiration of said time the papers in the case together with such arguments will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED:

James Dixby.
Acting Chairman.

COPY

H.C.R. 4549

Muskogee, Indian Territory, October 24, 1902

John W. Glenn,
Singleton, Mississippi.

Dear Sir:

You are hereby advised that on the 24th day of October 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of John W. Glenn, an applicant for identification as a Mississippi Choctaw.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 498) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under Article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John W. Glenn as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of Article fourteen of the treaty of eighteen hundred and thirty, and that the application for his identification as such should be refused and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in

J W G

this office and that at the expiration of said time the papers in the case together with such arguments will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

James Dixby
Acting Chairman.

Registered.

4548

COPY.

Muskogee, Indian Territory, November 10, 1902.

The Honorable

~~The Secretary of the Interior.~~

Sir:

There is transmitted herewith the record in the case of John W. Glenn, an applicant to the Commission for identification as a Mississippi Choctaw including the decision of the Commission of October 24, 1902.

The Commission has the honor to report that the applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED).

Tamie Dixey.

Acting Chairman.

Through the Commissioner
of Indian Affairs

1 enclosure, M C R 4543

(COPY)

Land
67826--1902.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,

Washington, January 17, 1903.

The Honorable,

The Secretary of the Interior.

Sir:-

I have the honor to submit herewith record of the Commission to the Five Civilized Tribes, in the matter of the application of John W. Glenn, for identification as a Mississippi Choctaw, wherein a decision of rejection was entered by the Commission on October 24, 1902.

The record shows that the applicant bases his claim to identification on his descent from one Alex, whose surname he is unable to give, but whom he claims was a member of the Choctaw tribe of Indians in Mississippi in 1830. He is unable to say whether this ancestor complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830. This being the condition of the record would in any event render it impossible to identify the applicant, and it is evident that the decision of the Commission rejecting him for that reason was correct and should be approved. I therefore recommend that this be done.

Very respectfully,

E.B.H.(E.)

(Signed) W. A. Jones, Commissioner

(COPY)

D C 6983

DEPARTMENT OF THE INTERIOR.

J.W.H.

I.T.D.1624-1903.

Washington.

WHR.

L.R.S.

March 9, 1903.

The Commission

to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

November 10, 1902, you transmitted the record in the case of John W. Glenn, (M.C.R. 4548), an applicant for identification as a Mississippi Choctaw, including your decision of October 24, 1902, denying his application.

This applicant is a quarter blood Choctaw and was born in Winston County, Mississippi, in 1870, where he has lived all his life. He traces his descent through his mother, Vinny Glenn, to his grandfather, who was a full blood Choctaw named Alex. The latter lived in Hinds County, Mississippi.

The testimony furnished by said Glenn fails to show that any of his ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of September 27, 1830, or with the subsequent acts relating thereto. It further appears that the records of the Government in your possession, as well as those in the Indian office, fail to show that any person whatever

-2-

bearing the name of any of the alleged ancestors ever complied with said article or acts.

The Department is therefore of the opinion, in view of the testimony now before it, that this applicant has failed to establish his claim.

Reporting in the matter January 17, 1903, the Commissioner of Indian Affairs recommended that your action be approved.

The Department concurs therein and your decision is hereby affirmed.

A copy of the Commissioner's report is inclosed.

Respectfully,

(Signed) F. L. Campbell,

Acting secretary.

1 inclosure.

M.C.R. 4548

COPY.

Muskogee, Indian Territory, March 20, 1903.

Mansfield, Mc Murray & Gernish,

Attorneys for the Chectaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 9th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as a Mississippi Chectaw of John W. Glenn, of which decision you were advised by mail on the 24th day of October, 1902.

Respectfully,

Tame Dixby.

Chairman.

M.C.R. 4548

COPY.

Muskogee, Indian Territory, March 20, 1903.

John W. Glenn,
Singleton, Mississippi.

Dear Sir:

You are hereby notified that on the 9th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing your application for identification as a Mississippi Choctaw, of which decision you were advised by registered mail on the 24th day of October, 1902.

Respectfully,

Tams Bixby.
Chairman.

1643

No. 4548

For Identification as a Mississippi Choctaw.

Meridian, Miss

JAN 13 1902

Date

Name John W. Glenn

Age

25

Blood

1/4

Post Office,

Singleton, Miss

Father:

Milton Glenn

Mother:

Viney

Claims through

mother

(Claims for self only.)

Children:

Father of Viney - Alex -

(full)

Stenographer

P. A. Strick

Choctaw MCR 4549

Jerry Doss

See MCR 4576, 4567, 4568
4551

MCR 4549

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Jerry Doss, et al.,
for identification as Mississippi Choctaws, consolidating the appli-
cations of-

Jerry Doss, et al.	M.C.R. 4849
Jerry Doss Jr., et al.	" 4576
Emma Harris, et al.	" 4587
Emma Doss	" 4588
John Doss, et al.	" 4591

List of papers forwarded to the Secretary of the Interior
comprising the record in the consolidated case of
Jerry Doss, et al.

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Original application of Jerry Doss, et al.,
before the Jones Commission for identification
as Mississippi Choctaws 1

Original application of Jerry Doss Jr., et al.,
before the Jones Commission for identification
as Mississippi Choctaws 6

Original application of Emma Harris, et al.,
before the Jones Commission for identification
as Mississippi Choctaws 11

Original application of Emma Doss
before the Jones Commission for identification
as Mississippi Choctaws 12

Original application of John Doss, et al.,
before the Jones Commission for identification
as Mississippi Choctaws 13

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Jerry Doss, et al. 14

(2)

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Decision of the Commission denying the application of
Jerry Doss, et al., for identification as
Mississippi Choctaws 22

-----0-----

4549

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, January 18, 1902.

In the matter of the application of Jerry Doss for the identification of himself and one minor child, Robert, as Mississippi Choctaws.

Jerry Doss, having been first duly sworn, upon his oath testified as follows:

Examination by the Commission.

Q What is your name? A Jerry Doss.
Q How old are you? A Over sixty years old.
Q How much Choctaw blood have you? A One quarter Choctaw.
Q What's your post office address? A Starkville, Mississippi.
Q How long have you lived in Oktibbeha County? A I been living there since the surrender; I lived in Pickensville County with my old master, and then I moved in Oktibbeha County, and lived there ever since.
Q Where were you born? A In Pickensville, Alabama; my father was the father of seventeen brothers and sisters.
Q You were a slave? A Yes, sir.
Q And your parents were both slaves? A Yes, sir, all slaves.
Q Is your father living? A No, sir, my father's dead.
Q What was his name? A Jerry Doss.
Q Is your mother living? A No, sir, my mother's dead.
Q What was her name? A Mandy Doss.
Q You get your Choctaw blood solely through your father? A Yes, sir.
Q How much Choctaw blood did he have? A He was half.
Q You speak or understand the Choctaw language? A No, sir, I don't.
Q Did your father speak or understand the Choctaw language? A Yes, sir, he could, but I couldn't.
Q Do you know that he could? A Yes, sir.
Q Do you know that he could? A Yes, sir.
Q Did you ever hear him talk it? A Yes, sir; couldn't understand what he did say - my father, and I have got some children now that talk - you couldn't understand them either.
Q Well, do they talk the Choctaw language? A Yes, sir, they are tongue tied, and you can't understand what they do say.
Q That was what was the matter with your father? A Yes, sir.
Q He was just tongue tied? A Yes, sir.
Q And you thought he spoke the Choctaw language? A Yes, sir, he called it Choctaw language.
Q It is all the same you think? A Yes, sir.
Q Where was he born? A I don't know where he was born at.
Q Did you ever see his father or mother? A No, sir, I never have seen them.
Q Through which one of his parents did he get his Choctaw blood?
A I couldn't tell, to be honest about that.
Q You don't know whether his father was a Choctaw, or his mother?
A No, sir; he was a full blood.
Q Do you mean to swear that your father's father was a full blood Choctaw Indian? A Yes, sir, he was a full blood Choctaw.

Jerry Doss, et al., 2.

Q You swaer to that? A Yes, sir, that my father's grand father was a full blood Choctaw.

Q You just said your father's father; now, which is right? A My father was Indian. I think my father was Indian blood.

Q Now, I want you to say whether or not your father's father was a full blood Choctaw Indian? A Yes, sir.

Q He was? A Yes, sir.

Q Wasn't he a slave, your father's father? A I couldn't tell about to be honest; that's how I come to name my children after my grand father. One Nelson - that was my grand father's name.

Q Nelson what? A Nelson Indian - the Choctaw blood of the Indian - the Choctaw blood of my grand father - I named my children for my grand father.

Q You never did see this man, Nelson? A No, sir.

Q Know nothing whatever about him? A No, sir, only what my father told me.

Q Who told you about his being a full blood Choctaw Indian? A My father.

Q When did he tell you that? A He told me that before he died.

Q That's all the evidence you have that he was a full blood? A Yes, sir.

Q Didn't your father tell you that he was a slave? A No, sir, never said anything about a slave; I was quite small, and he never said anything about a slave.

Q Now, what was your father's mother? A She was a slave.

Q What was her name? A Fannie.

Q Did she have any Choctaw blood? A I don't know, sir, whether she did or not - to tell you the truth about it.

Q How old do you think your father would be if he were living now?

A I don't know, sir, he would be away up yonder; I couldn't tell how old he would be; he was the father of seventeen children; all belonged to one man; raised them all in one house.

Q Are you married? A No, I aint married now; have been.

Q What was your wife's name? A Julia.

Q Were you ever married more than once? A No, sir, aint married any more.

Q Did Julia have any Choctaw blood? A Yes, sir; she looked like she was a full blood Choctaw; she had blood in her - I couldn't tell how much, though; she was Choctaw blood.

Q Have any idea how much she was? A No, sir.

Q Julia was a slave, wasn't she? A Yes, sir.

Q Do you know the name of either one of Julia's parents - her father or her mother? A No, sir.

Q Julia older than you, or younger than you? A I am heap older.

Q Did she speak or understand the Choctaw language? A Not as I know of.

Q Where did she live during her entire life? A She lived in Choctaw Mississippi.

Q Choctaw County, Mississippi? A Yes, sir.

Q Born and raised there? A No, she was born and raised in Greenwood, Mississippi.

Q Were you married to Julia under a license, were you? A I married to her in slavery time.

Q How long did you live with her? A Until she died.

Q You were married to her according to the slavery custom? A Yes, sir.

Q Have you any children under twenty one years of age and unmarried

Jerry Doss, et al., 3.

for whom you want to make application? A Yes, sir; that's Robert. The rest are all over twenty one.

Q How old is Robert? A Robert, now, he is about twenty - nineteen along there.

Q Is he the son of yourself and Julia? A Yes, sir.

Q Robert living with you now? A Yes, sir.

Q This application, then, is for yourself and one minor child?

A Yes, sir.

Q Is your name, or the name of this child, to be found upon any of the Choctaw tribal rolls in Indian Territory? A I don't know.

Q Did you ever make application to the Choctaw tribal authorities in Indian Territory for yourself or Robert to be admitted or enrolled as members of that tribe? A Never have.

Q Have you ever made any application of any description before to-day? A No, sir, never have in my life.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory, under article 14 of the treaty of Dancing Rabbit Creek? A Yes, sir.

Q Do you understand that 14th article of the treaty of Dancing Rabbit Creek? A No, sir, I don't know it.

Q

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, a part of which is now occupied by the greater portion of the Choctaw tribe of Indians, and is commonly known as the Choctaw Nation, Indian Territory. At the time the treaty was made, some of the Indians were unwilling to leave this country, and for the benefit of those who preferred to stay here what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions, a Choctaw who preferred to stay here in Mississippi might receive land here in Mississippi from the Government. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months after the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parents. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family,

Jerry Doss, et al., 4.

or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you understand that 14th article now? A No, sir, not exactly; to take possession and never to move off, aint it?

That 14th article, as you will understand, referred to people who lived here seventy one years ago, probably before you were born, and if a Choctaw, living here at that time, wanted to stay here, he might do so and get land here in Mississippi from the Government, but if he wanted to take land, he must let the agent know that he wanted to stay within six months after the treaty was ratified; the treaty was ratified on the 24th day of February 1831. Now, after he had let this agent know that he wanted to stay here, he was entitled to a reservation of one section of six hundred and forty acres of land, and for each child he had over ten years of age, he was entitled to three hundred and twenty acres, and for each child he had under ten years of age, he was entitled to one hundred and sixty acres, and the land for these children must adjoin the parent's location, and the reservations must include the improvement that the parent had here on the 27th day of September, 1830, when the treaty was made. Now, if these people lived on that land for five years from February 24, 1831, the day the treaty was ratified, they were entitled to a grant in fee simple for it; that is, the Government would give them a deed or patent to it, and a Choctaw could do what he pleased with the land.

Q Did any of your ancestors ever comply or attempt to comply with the provisions of this 14th article of the treaty of Dancing Rabbit Creek, or ever receive any benefits under that article? That is, did they do as this 14th article said they should do, and then get land under it, or money, or scrip? A Not that I know of.

Q Were any of them living here in the old Choctaw Nation, in Mississippi and Alabama, in the year 1830, when this treaty was made?

A I don't know whether they was or not. I can't tell you.

Q Were any of them recognized members of the Choctaw tribe of Indians here at that time? A Yes, sir, I think so.

Q Seventy one years ago? A Oh! yes, sir, I think they was.

Q What makes you think they were? A My father was old enough.

Q Now, what makes you think your ancestors were, seventy one years ago here, recognized members of the Choctaw tribe of Indians?

A Them old settlers at that time is what makes me think at that time when the old Choctaws were leaving here.

Q You know all of your ancestors were slaves at that time? A Yes, sir.

Q And you don't think they could have been recognized members of the Choctaw tribe of Indians here then? A I don't know, sir, whether they could or not.

Q Did any of them own an improvement here in the old Choctaw Nation, in Mississippi and Alabama, in the year 1830, when this treaty was

Jerry Doss, et al., 8.

made, seventy one years ago? A No, sir.

Q Did any of them remove from the old Choctaw Nation, here in Mississippi and Alabama, to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians, between the years 1833 and 1838? A No, sir, I don't think they did. I don't know; they didn't move, none of them didn't move.

Q Had any of them, within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government for the Choctaws here in Mississippi know that they wanted to stay here in Mississippi and become citizens of the States and take land?

A I don't know, sir.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A No, sir, not that I know of.

Q Did any of them ever claim or receive any land under any other article of that treaty? A No, sir.

Q Or under the supplement to that treaty? A No, sir.

Q Did any of your ancestors ever get any land from the Government here in Mississippi? A No, sir.

Q Or any money? A No, sir, I don't know, sir.

Q Pretty sure about that, are you? A Yes, sir.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this agent failed to register and report to the Government the names of many Indians who did in fact let him know that they wanted to stay here and become citizens of the States and take land, and on this account the Government, at its public land sales, here in Mississippi, in many instances, sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under article 14 of the treaty of Dancing Rabbit Creek. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress, and Congress passed an Act which was approved on the third day of March 1837, providing for the appointment of a Commission to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. This commission was duly appointed by the President of the United States, and the commissioners came down here to Mississippi and heard a few of these Choctaw cases, but in the time allowed them by the Act of Congress under which they were appointed, and a later Act of Congress, which was approved on the 22nd day of February, 1838, they were unable to dispose of but a comparatively small number of these cases. It, therefore, became necessary for Congress to make further provisions by which the remainder of these Indians might be given hearings, so another Act was passed which was approved on the 23rd day of August, 1842, pre-

Jerry Doss, et al., &c.

viding for the appointment of another commission to come down here to Mississippi and finish this work. This commission was duly appointed by the President of the United States and the commissioners came down here to Mississippi and heard a great many more of these Choctaw cases.

Q Did any of your ancestors appear before either of these commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A No, sir, not as I know of.

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in the place of that land, land some place else here in Mississippi, or in Alabama, or Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any of this scrip from the Government of the United States under this Act of Congress?

A No, sir.

Q Are you sure of that? A Yes, sir.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits under that article? A No, sir.

Q Don't know of any one? A No, sir.

Q Do you know of any old person living who would be able to support your testimony as to the amount of Indian blood you have? A No, sir, I think they are all dead out.

Q Have you any witnesses here to-day to testify in your behalf?

A No, sir.

If you should find any witnesses whose testimony you desire to have taken by the Commission, they may appear before the Commission here in Meridian, Mississippi, before the 15th of next month, or within a reasonable time thereafter at the General Office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

Q Have you any brothers or sisters living? A I have got one sister; I don't know whether she is dead or not. She lives in Pickensville, Alabama; I don't know whether she is living or not.

Q How many children have you living who are of age? A I have got seven.

Q Give us their names and tell us where they live? A Fannie, she is married.

Q Fannie who? A Harris - married Meeks Harris.

Q Where does she live? A In Oktibbeha County.
 Q Next one? A Annie.
 Q What's her husband's name? A Vitie Lirey.
 Q Where does she live? A Over in Winston County.
 Q Next one? A Well, Lena, my daughter.
 Q What's her husband's name? A She hasn't any husband.
 Q Next one? A Jerry.
 Q Where does he live? A He lives right there in Oktibbeha County.
 Q Where does Lena live? A In Oktibbeha County.
 Q Has she been married? A No, sir.
 Q What is the next one? A Lee.
 Q Where does he live? A He lives right there too.
 Q Next one? A John.
 Q Where does he live? A He lives right there to.
 Q Next one? A Nelson.
 Q Where does he live? A Right there too, in the neighborhood.
 Q That all of them? A That's eight; I am the father of ten head
 of children, and got two dead.
 Q Any of these children been before the Commission? A No, sir, none
 of them; Nelson is here to-day to appear before the Commission.
 Q Are there any further statements you want to make at this time?
 A No, sir.
 Q Nothing further you think of you would like to say? A No, sir.

(This applicant has the appearance of being a negro, and shows no indication of being possessed of Indian blood. He does not speak or understand the Choctaw language.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 18th day of January, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. S. Streit

Subscribed and sworn to before me at Meridian, Mississippi, this 23rd day of January, 1902.

L. B. Mosley
 Clerk U.S. Circuit Court,
 Southern District of Mississippi,

By *[Signature]*

Deputy.

J. H. W.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Jerry Deas, et al.,
for identification as Mississippi Choctaws, consolidating the appli-
cations of-

Jerry Deas, et al	N. O. N. 4345
Jerry Deas Jr., et al	" 4378
Fannie Harris, et al	" 4387
John Deas	" 4392
William Deas, et al	" 4391

DECISION:-

It appears from the record herein that applications for
identification as Mississippi Choctaws were made to this Commission
by Jerry Deas for himself and his minor child, Robert Deas, by
John Deas Jr., for himself and his three minor children, Fannie
Harris, William, Elmer, and John, by Fannie Harris, for
herself and her minor child, John, by John Deas for himself, and by William
Deas for himself and his two minor children, Fannie and John, and
under the following provisions of the Act of Congress approved June
22, 1898 (30 Stat., 492):

This Commission shall determine the

(B)

identity of Chester Indians claiming rights in the Chester lands under article fourteen of the treaty between the United States and the Chester Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Chester lands under article fourteen of the treaty between the United States and the Chester Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Nelson Indian, who is alleged to have been a full blood Chester Indian.

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that no one of said applicants has ever been enrolled by the Chester tribal authorities as a member of the Chester Tribe, or admitted to Chester citizenship by a duly constituted court or committee of the Chester Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 18, 1906 (34 Stat., 221).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who applied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Nelson Indian, or a lineal or collateral ancestor of any of the applicants heretofore, signified (in person or by proxy) to Samuel W. Ward, Indian Agent, Chester Agency, an intention to comply with the provisions of said article fourteen, or presented a

(3).

claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stats., 180) and August 30, 1842, (5 Stats., 513).

It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Jerry Doss, Robert Doss, Jerry Doss Jr., Sarah Doss, Wallace Doss, Julia Doss, Fannie Harris (No. 1), Walter Harris, Eliza Harris, Pinkham Harris, Fannie Harris (No. 2), Magruder Harris, Necks Harris, Eliza Harris, Anna P. Harris, Lena Doss, Nelson Doss, John Doss and Walker Doss as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Mustang, Indian Territory,

AUG 8 1902

Commissioner.

M.C.R. 4549.

Washita, Indian Territory, August 8, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Jerry Doss, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of August 8, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

Jerry Doss, et al.,	M.C.R.	4549
Jerry Doss Jr., et al.,	"	4576
Fannie Harris, et al.,	"	4567
Lena Doss,	"	4568
Nelson Doss, et al.,	"	4551.

The Commission has the honor to report that the principal applicants in the several separate applications, and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the Record.

Respectfully,

Through the
Commissioner of Indian Affairs,
1 Inclosure.

Acting Chairman.

Muskogee, Indian Territory, August 8, 1902.

Manfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 8th day of August 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Jerry Doss, et al., embracing the following applications for identification as Mississippi Choctaws:

Jerry Doss, et al.,	M.C.R. 4549
Jerry Doss Jr., et al.,	" 4576
Fannie Harris, et al.,	" 4587
Lena Doss,	" 4588
Nelson Doss, et al.,	" 4581.

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Jerry

H. M. & C. #2.

Doss, Robert Doss, Jerry Doss Jr., Sarah Doss, Wallace Doss, Julia Doss, Fannie Harris (No. 1), Walter Harris, Ellis Harris, Pinkman Harris, Fannie Harris (No. 2), Magruder Harris, Neeks Harris, Elly Harris, Aura P. Harris, Lena Doss, Nelson Doss, John Doss and Walker Doss as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Acting Chairman,

M.C.R. 4849.

Waskagee, Indian Territory, August 8, 1908.

Jerry Doss,
Starkville, Mississippi.

Dear Sir:

You are hereby advised that on the 8th day of August 1908, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Jerry Doss, et al., embracing the following applications for identification as Mississippi Choctaws:

Jerry Doss, et al.,	M.C.R. 4849
Jerry Doss Jr., et al.,	" 4876
Fannie Harris, et al.,	" 4867
Lena Doss	" 4868
Nelson Doss, et al.,	" 4851.

These applications were made under the provision of the act of Congress of June 28, 1906 (34 Stat., 498) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Jerry

J. D. 20.

Doss, Robert Doss, Jerry Doss Jr., Sarah Doss, Wallace Doss, Julia Doss, Fannie Harris (Da. 11), Walter Harris, Elsie Harris, Pinkman Harris, Emma Harris (Da. 11), Magruder Harris, Hosko Harris, Eliza Harris, Anna P. Harris, Lena Doss, Nelson Doss, John Doss and Walker Doss as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered.

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Acting Chairman.

Register.

- Copy -

Land
47872-1902.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs.

Washington, October 15, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record and proceedings had before the Commission to the Five Civilized Tribes in the consolidated Mississippi Choctaw case of Jerry Doss, et al., in which the applicants seek to be identified as Mississippi Choctaws entitled to lands in the Choctaw Nation under the provisions of article 14 of the treaty of 1830.

The following cases are consolidated therein:

Jerry Doss, et al.

Jerry Doss, Jr., et al.

Fannie Harris, et al.

Lena Doss.

Nelson Doss, et al.

On August 5, 1902, said commission rendered a decision in this case wherein it found that the evidence submitted by the applicants in support of their claim is insufficient to determine their

identity as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article 14.

An examination of the record evidence shows that the first principal applicant examined, Jerry Dess, is 60 years old; that he claims to be a one-quarter blood Choctaw and avers that his ancestor was one Nelson Indian.

His testimony shows that he knows nothing about any of his ancestors ever having received a patent for lands by reason of their compliance with the provisions of article 14 of said treaty, nor has he any knowledge of said ancestor ever having complied or attempted to comply with said provisions, and from his testimony it is shown that none of the applicants herein are Choctaw Indians of the full blood.

There is nothing in the evidence which tends to establish the claim of the applicants nor is there any office record showing that any of his alleged ancestors ever received a patent for lands by reason of any compliance with the provisions of said article 14 of the treaty.

The office therefore considers that the decision of the commission aforesaid refusing to identify these applicants as Mississippi Choctaws is correct, and recommends that the same be

-3-

approved and affirmed by the Department.

Very respectfully,

Your obedient servant,

W. A. JONES,

Commissioner.

(W.C.B.)

P.

- Copy -

D.G. 20257

DEPARTMENT OF THE INTERIOR.

CMR

ITD 6398-1902.

Washington, October 24, 1902.

L.R.S.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

The Department has considered the record in the consolidated case embracing the applications for identification as Mississippi Choctaws, of Jerry Doss for himself and his minor child, Robert Doss; of Jerry Doss, Jr. for himself and his three minor children, Sarah, Wallace and Julia Doss; of Fannie Harris for herself and her eight minor children, Walter, Ellis, Pinknam, Fannie, Magruder, Meeks, Ellay, and Aura P. Harris; of Lena Doss for herself; and of Nelson Doss for himself and his two minor children, John and Walker Doss.

The applicants claim to be descendants of one Nelson Indian, an alleged full blood Choctaw Indian.

An examination of the record fails to show that any one of the applicants was ever duly admitted to citizenship in the Choctaw Nation, or that the alleged ancestor, above named, ever complied or attempted to comply with the provisions of article

fourteen of the treaty of September 27, 1830, or with the Acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513).

You rendered your decision in the case August 8, 1902, in which you held that the applicants were not entitled to enrollment. The Commissioner of Indian Affairs, in his letter of October 15, 1902, forwarding the papers, recommends that said decision be approved and affirmed by the Department. The Department concurs in said recommendation and your said decision is hereby affirmed.

A copy of the Commissioner's report is inclosed.

Respectfully,

E. A. HITCHCOCK,

Secretary.

ED

M.C.R. 4549.

COPY.

Muskogee, Indian Territory, November 7, 1902.

Hansfield, Mumfrey & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 24th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jerry Boss, et al., of which decision you were advised by mail on the 24th day of August, 1902.

Respectfully,

(SIGNED)

Tamie Dixey
acting chairman

M.C.R. 4849.

COPY.

Muskogee, Indian Territory, November, 7, 1902.

Jerry Doss,

Starkville, Mississippi.

Dear Sir:

You are hereby advised that on the 24th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jerry Doss, et al., of which decision you were advised by registered mail on the 8th day of August, 1902.

Respectfully,

Irma Kirby
Acting Chairman.

REFER TO M. C. R. 4549

Jeff Dasecke

Consolidated Case

Nelson Indian free
wife
Fannie —, slave

Jerry Doss 1/2
wife
Maudie Doss

Jerry Doss 60 1/4
wife
Julia Doss, died
free

Jerry Doss Jr. 38 1/8
wife
1st. Lurilla Doss, died.
2nd. Lurilla Doss

Fannie Doss 34 1
mar.
Meeks Harris

Annie Doss ?
mar.
Vitie Liray

Lena Doss 26 ?

Lee Doss

John Doss

Nelson Doss 21
wife
Hattie Doss

Robert Doss 19

Sarah Doss 4

Narcis Doss 3

Julia Doss 1

Maester Harris 18

Ellis Harris 14

Pinckham Harris 10

Fannie Harris 9

Maguiken Harris 7

Meeks Harris 7

Clay Harris 5

Alice D Harris 2

John Doss 2

Maester Doss 3 m.v.

No. 4549

For Identification as a Mississippi Choctaw.
Meridian, Miss.

Date JAN 1 1902

Name Jerry Doss
Age 60 Blood 1/4

Post Office, Starkville, Miss.

Father: Jerry Doss (1/2) d

Mother: Mandy " d

Claims through father
wife Julia Doss d

(Claim for one child)

Children:
Robert Doss 19

Stenographer

R. A. Shurt.

Choctaw MCR 4550

Ben Wash

See MCR 4578

MCR 4550

4550

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, January 18, 1902.

In the matter of the application of Ben Wash for the identification of himself and four minor children, Mary, Sylvester, Fannie and William Wash, as Mississippi Choctaws.

Ben Wash, having been first duly sworn, upon his oath testified as follows:

Examination by the Commission.

- Q What is your name? A Ben Wash.
Q How old are you? A Twenty three.
Q How much Choctaw blood have you? A I am said to be - my mother was half Choctaw blood.
Q What would that make you? A One quarter.
Q What's your post office address? A Jackson, Mississippi.
Q How long have you lived in Hinds County? A Six years.
Q Where did you live before that? A Scott County.
Q How long did you live there? A I was raised there.
Q Lived there all your life until you went to Hinds? A Yes, sir.
Q Is your father living? A Yes, sir.
Q What's his name? A Peter Wash.
Q Where does he live? A Scott County.
Q Is your mother living? A No, sir.
Q What was her name? A Mary Wash.
Q Through which one of your parents did you derive your Choctaw blood? A Mother.
Q How long has she been dead? A Sixteen or seventeen years.
Q Where did she live during her life time? A Scott County.
Q Was she born and raised there? A Yes, sir.
Q How old do you think she would be if she were living now? A Well, I don't know, sir; she would be pretty ageable; about fifty or sixty, I suppose.
Q Is her father living? A No, sir, not as I know of.
Q Or her mother? A No, sir.
Q Through which one of her parents did she get her Choctaw blood?
A Her mother.
Q What was her name? A Nancy Boyd.
Q Was your mother a slave? A No, sir, I think not.
Q Do you know about that? A No, sir.
Q Did you ever hear either way? A I heard that she wasn't.
Q Was your mother a slave? A Yes, sir.
Q Was your mother's mother a slave? A No, sir, I don't think she was.
Q Did you ever hear whether she was, or whether she wasn't? A I have heard she wasn't.
Q Did your mother's father a slave? A I think so; I am not certain.
Q Did your mother's mother live here in Mississippi all her life?
A Yes, sir.
Q What County? A Scott County.
Q Did she have any other name besides Nancy Boyd? A No, sir, not as I know of.

Ben Wash, et al., 2.

Q Didn't have any Choctaw name? A Not as I know of.
Q Can you speak or understand the Choctaw language? A No, sir.
Q Could your mother? A No, sir.
Q Could your mother's mother? A Yes, sir; they said she could.
Q Did you know her? A No, sir, I never knew her.
Q Never saw her? A No, sir.
Q How do you know she could speak the Choctaw language? A I heard my father say she could.
Q How old would she be if she were living now? A I don't know, sir; I couldn't say.
Q Haven't you any idea? A My mother's mother?
Q Yes? A I couldn't say; she would be up near one hundred years old.
Q Do you know the names of either one of her parents? A No, sir.
Q Are you married? A Yes, sir.
Q Living with your wife at this time? A Yes, sir.
Q Have you been married more than once? A No, sir.
Q Has she? A No, sir.
Q What's her name? A Mary.
Q Has she any Choctaw blood? A No, sir.
Q She is a negro, is she? A Yes, sir.
Q You make no claim for her? A No, sir.
Q Have you any children? A Yes, sir.
Q How many? A Four.
Q What are their names and ages? A Mary.
Q How old? A She is four years old.
Q Next one? A Sylvester.
Q How old is Sylvester? A He is three years old.
Q Next one? A Fannie.
Q How old? A She is about 17th months old.
Q Next one? A William.
Q How old? A He is about three weeks old.
Q These children all living with you at this time? A Yes, sir.
Q Are they all the children of yourself and Mary Wash? A Yes, sir.
Q This application, then, is for yourself and four minor children, is it? A Yes, sir.
Q Were you married to Mary under a license? A Yes, sir.
Q Where were you married? A Jackson.
Q Have you your marriage license and certificate with you at this time? A No, sir.

It will be necessary for you to furnish the Commission with proper evidence of your marriage to your wife, Mary, for use in connection with the application which you make in behalf of your four minor children. The Commission would be glad to have you file such evidence within thirty days from this date, if convenient.

Q Is your name, on any of the Choctaw tribal rolls in Indian Territory? A I don't know as it is.
Q Did you ever make application to the Choctaw tribal authorities in Indian Territory to be admitted or enrolled as a member of that tribe? A No, sir.
Q Did you, in the year 1896, make application to this Commission for citizenship in the Choctaw Nation under the Act of Congress approved June 10, 1896? A No, sir.

Ben Wash, et al., 3.

Q Has any application of any description ever been made for you before to-day? A No, sir.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under article 14 of the treaty of Dancing Rabbit Creek? A Yes, sir.

Q Do you understand that 14th article of the treaty of Dancing Rabbit Creek? A No, sir.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government, and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, a part of which is now occupied by the greater portion of the Choctaw tribe of Indians, and is commonly known as the Choctaw Nation, Indian Territory. At the time this treaty was made, some of the Indians were unwilling to leave this country, and for the benefit of those who wanted to stay here what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions, a Choctaw who preferred to stay here in Mississippi might do so and receive land here in Mississippi from the Government. That 14th article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you understand that 14th article now? A I don't know as I understand it all.

Well, as I have already stated to you, that article was put in the treaty for the benefit of those Indians who wanted to stay here in 1830; some of them wanted to go out west, and some of them wanted to stay here. If a Choctaw

Ben Wash, et al., 4.

did want to stay here in Mississippi in the place of moving out west of the Mississippi River, he was required under this 14th article to let the agent of the Government here in Mississippi know that he wanted to stay here, and he must do that within six months from the time the treaty was ratified, and that was on the 24th day of February, 1831. Now, after he had done so, he was entitled to a reservation of one section of 640 acres of land, to be bounded by sectional lines of survey, and for each one of his children over ten years of age, he was entitled to one-half that quantity, or three hundred and twenty acres of land; for each child under ten years of age, he was entitled to one quarter of that amount, or one hundred and sixty acres. This land must include the improvement of the head of the family as it existed on the 27th day of September, 1830, and the reservations for the children must adjoin the location of the parent. Now, the 14th article said further that if they lived on that land intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple should issue; that is, the Government would convey the land to the Indian, and he could dispose of it at his own pleasure. The last clause of the 14th article is, "Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity." That is, an Indian by staying here in Mississippi and taking land under this 14th article should not lose the privilege of a Choctaw citizen, but if he ever moved to the Indian Territory - the Choctaw Nation out there - he should not be entitled to any portion of the Choctaw annuity. The Choctaw annuity is money paid each year to the Choctaws in Indian Territory under treaty stipulations.

Q Did any of your ancestors ever comply or attempt to comply with the provisions of this 14th article of the treaty of Dancing Rabbit Creek, or ever receive any benefits thereunder? A No, sir, not that I know of.

Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama, in the year 1830, when this treaty was made? A Not as I know of.

Q Were any of them recognized members of the Choctaw tribe of Indians at that time? A I suppose so, I suppose - I don't know either - I couldn't say, but I have no remembrance of way back there at all. I couldn't say.

Q Did any of them remove from the old Choctaw Nation, here in Mississippi and Alabama, to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A No, sir.

Q Did any of them, within six months after the ratification of the treaty of Dancing Rabbit Creek, let the agent of the Government here in Mississippi for the Choctaws know that they wanted to stay here in Mississippi and become citizens of the States and take land? A No, sir, not as I know of.

Q Did any of your ancestors ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A Not that I know of.

Ben Wash, et al., 5.

Q Did any of them ever claim or receive any land here in Mississippi from the Government under any other article of that treaty, or under the supplement to that treaty? A No, sir.

Q You never heard then of any of your ancestors ever having gotten any land here in Mississippi from the Government? A No, sir.

Q Did you ever hear of any of them ever having gotten any money from the Government? A No, sir.

Q Any of them ever live in Indian Territory? A No, sir, not as I know of.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this agent failed to register and report to the Government the names of many Indians who did, in fact, let him know they wanted to stay here and become citizens of the States and take land, and on this account, the Government, at its public land sales here in Mississippi, in many instances, sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under article 14 of the treaty of Dancing Rabbit Creek. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed an Act which was approved on the third day of March, 1837, providing for the appointment of a Commission to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. This commission was duly appointed by the President of the United States, and the commissioners came down here to Mississippi and hear a few of these Choctaw cases, but in the time allowed them by the Act of Congress under which they were appointed, and a later Act of Congress which was approved on the 22nd day of February, 1838, providing for the continuance of this commission, they were unable to dispose of but a comparatively small number of these cases. It, therefore, became necessary for Congress to make further provisions by which the remainder of these Indians might be given hearings, so another Act was passed which was approved on the 23rd day of August, 1842, providing for the appointment of another commission to come down here to Mississippi and finish up the hearing of these cases. This commission was duly appointed by the President of the United States, and the commissioners came down here to Mississippi in the forties and heard a great number of these Choctaw cases.

Q Did any of your ancestors appear before either of these commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A Not as I know of.

Ben Wash, et al., 6.

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in lieu thereof land elsewhere in Mississippi, or in Alabama, or Louisiana, or Arkansas, from vacant Government land, and that he should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any of this scrip from the Government of the United States under this Act of Congress? A No, sir not as I know of.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, sir.

Q Have you any witnesses here to-day? A No, sir.

Q What do you expect to prove by your father? A Well, I expect to prove that he married my mother, and he knows my grand mother - my mother's mother - and she knows that she was an Indian, and my mother was a half Indian.

Q Are there any further statements you want to make? A No, sir.

If you should find any other witnesses whose testimony you desire to have taken in support of your application, they may appear before the Commission at any time before the 15th of next month, or within a reasonable time thereafter at the General Office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

Q Have you any brothers living? A Yes, sir.

Q How many? A Four.

Q Are any of them of age? A All of them.

Q What are their names? A Willie Wash.

Q Where does he live? A He lives in Newton County.

Q Next one? A Newt; he lives in Newton County; he is not a whole brother of mine; he is one-half, but one my mother's side.

Q Next one? A George Wash. He lives in Newton County, and Jacob, he lives in Scott County; I forget his post office.

Q That all of your brothers living? A That's all.

Q Have you any sisters living? A Two.

Q What are their names? A One is Tilda Johnson.

Q Where does she live? A At Forest, in Scott County.

Q Next one? A Nanoy; I forget her husband's name.

Q Where do they live? A They live in Newton County.

Q Have you any brothers or sisters dead? A Yes, sir.

Q Were any of them grown at the time of their death? A No, sir.

Q Any of your mother's brothers or sisters living? A No, sir.

Q Any of the children of any of them living? A No, sir, I think not, except but half, but not Indians.

Ben Wash, et al., 7.

(This applicant has the appearance - color, features and facial expression of a negro; his hair would indicate that he is possessed of some either white or Indian blood.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 18th day of January, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

Clerk U. S. Circuit Court,
Southern District of Mississippi.

Subscribed and sworn to before me at Meridian, Mississippi, this 24th day of January, 1902.

L. B. Massey
Clerk U. S. Circuit Court,
Southern District of Mississippi.

By *[Signature]*

Deputy.

NY.

N.C.R. 4550.

Muskogee, Indian Territory October 14, 1902.

Ben Wash,

Jackson, Mississippi.

Dear Sir:-

You are hereby advised that on the 14th day of October 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Newton Huddleston, et al., embracing the following applications for identification as Mississippi Choctaws:

Newton Huddleston, et al.,	N.C.R. 4578
Ben Wash, et al.,	N.C.R. 4550
Matilda Johnson, et al.,	N.C.R. 4590
Jacob Wash, et al.,	N.C.R. 4579.

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Newton Huddleston, Mary Huddleston, James V. Huddleston, Victoria Huddleston, Henry Clay Huddleston, Ben Wash, Mary Wash, Sylvester Wash, Fannie Wash, William Wash, Matilda Johnson, Mary Johnson, Willie

B. W. -2

Johnson, Nola Johnson, Jacob Johnson, Hobby Johnson, Rebecca Johnson, Jacob Wash, Philip Wash and Govt M. Wash, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

I. M. ...
Commissioner in charge.

Registered.

M C R 3496
M C R 4580

Muskogee, Indian Territory, October 27, 1902.

Wm. F. Ross,
Jackson, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 23rd instant, in which you ask to be advised of the present status of the cases of Frank Harrison and Ben Wash who presented their claims to the Commission in Meridian, Mississippi in April, 1902.

In reply you are informed that it appears from the records of the Commission that Frank Harrison, post office address Adams Station, Mississippi, is an applicant for the identification of himself and four minor children as Mississippi Choctaws, having submitted such application at the office of the Commission at Meridian, Mississippi, on April 30, 1902; and that Ben Wash, post office address Jackson, Mississippi, is also an applicant for the identification of himself and four minor children as Mississippi Choctaws.

In the case of Frank Harrison et al., no decision nor opinion has yet been rendered relative to their rights to such identification, but the Commission is now considering this case and it is probable that a decision will be rendered in the near future, when the applicants will be duly notified of the action of

Wm P R R

the Commission and of the forwarding of the record to the Secretary of the Interior for review.

In the case of Ben Wash, et al., the Commission, on October 14, 1902, rendered its decision refusing his application and on the same date he was notified by registered mail of the action of the Commission and that he would be allowed fifteen days from the date of such decision within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, would be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Commissioner in Charge.

COMMISSIONERS.
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 4950

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES Muskogee, Indian Territory, December 23, 1902.

Ben Wash,

Jackson, Mississippi.

Dear Sir:

You are hereby notified that on the 9th day of December, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Newton Middleton, et al., of which decision you were advised by registered mail on the 14th day of October, 1902.

Respectfully,



Acting Chairman.

No. 4550

For Identification as a Mississippi Choctaw.
Meridian, Miss.

Date JAN 16 1902

Name Ben Wash

Age 23 Blood 1/4

Post Office, Jackson, Miss.

Father: Peter Wash L

Mother: Mary Wash d

Claims through mother
wife Mary Wash: L
(No claim for wife)
(Claims for self & children)

Children:

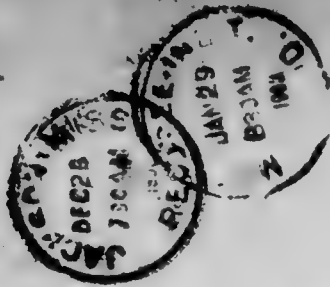
Mary Wash	4
Sylvester "	3
Fannie "	1
William "	3 m

Miss. Mary Wash & sons Bay. d

Stenographer

R. S. Street

4580



U.S. DEPT. OF THE INTERIOR,
COMMISSION TO THE FREE CIVILIZED TRIBES.

FILED

JAN 30 1903

[Signature]
ACTING CHAIRMAN

Choctaw MCR 4551

Nelson Doss

See MCR 4549

MCR 4551

455-1

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, January 18, 1902.

In the matter of the application of Nelson Doss for the identification of himself and two minor children, John and Walker Doss, as Mississippi Choctaws.

Nelson Doss, having been first duly sworn, upon his oath testified as follows:

Examination by the Commission.

- Q What is your name? A Nelson Doss.
Q How old are you? A About twenty one.
Q How much Choctaw blood have you? A I don't exactly know; I am only what my mother said when she was living; she said she was a full Indian, and my daddy had a heap of Indian in him.
Q Well, how much Choctaw blood has your father? A About a quarter.
Q And your mother, you claim, was a full blood? A Yes, sir.
Q Your mother was a slave, wasn't she? A Yes, sir.
Q What's your post office address? A Starkville, Mississippi.
Q Oktibbeha County? A Yes, sir.
Q How long have you lived in Oktibbeha County? A Going on about nineteen years, or eighteen.
Q Where did you live before that? A I don't know where I lived before that. I wasn't big enough to know.
Q Is your father living now? A Yes, sir.
Q What's his name? A Jerry Doss.
Q Is he the Jerry Doss who appeared before the Commission here to-day? A Yes, sir.
Q Is your mother living? A No, sir.
Q What was her name? A Julia Doss.
Q You claim that your mother was a full blood Choctaw Indian? A Yes, sir, that's what she said the Indians said when they always come there.
Q Your father, you claim, was a quarter? A Yes, sir.
Q Did your father and mother, both of them, always live in the State of Mississippi? A Yes, sir, she died in Mississippi.
Q Through which one of his parents did your father get his Choctaw blood? A I don't know, sir; I wasn't old enough to remember.
Q Through which one of her parents did your mother get her Choctaw blood? A I don't know, sir.
Q Do you know the name of any one of your grand parents? A No, sir.
Q About how old is your father? A I don't know, sir; he says he is about sixty - something over sixty years old. He says so, I don't know.
Q About how old would your mother be if she were living now? A I don't know, sir, but I could just guess at it.
Q Well, how old do you think she would be? A She would be about seventy, I guess.
Q Are you married? A Yes, sir.
Q How many times have you been married? A Once.
Q Is your wife living now? A Yes, sir.
Q Has she been married more than once? A No, sir.

Nelson Doss, et al., 2.

- Q Has she any Choctaw blood? A No, sir, not that I knows of.
Q What's her name? A Hattie.
Q You make no claim for her? A No, sir.
Q How many children have you living? A Just two.
Q What are their names and ages? A John Doss and Walker Doss.
Q How old is John Doss? A Going on three years old.
Q How old is Walker? A Gwine on four months old.
Q These children are both living with you now? A Yes, sir.
Q Are they both the children of yourself and Hattie Doss? A Yes, sir.
Q Were you married to Hattie under a license? A Yes, sir.
Q Have you your license with you at this time? A No, sir.
Q Who married you? A Randell Middles.
Q What position did he hold? A He was a preacher.

It will be necessary for you to furnish the Commission with proper evidence of your marriage to your wife, Hattie, to be used in connection with the application which you make in behalf of your two minor children. The commission would be glad to have you file such evidence within thirty days from this date, if convenient.

- Q This application is for yourself and two minor children? A Yes, sir.
Q Is your name to be found upon any of the Choctaw tribal rolls in Indian Territory? A Not as I knows of.
Q Did you ever make application to the Choctaw tribal authorities in Indian Territory to be admitted or enrolled as a member of that tribe? A No, sir.
Q Have you ever made any application of any description before today? A No, sir, never have in my life.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under article 14 of the treaty of Dancing Rabbit Creek? A I don't understand that.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, a part of which is now occupied by the greater portion of the Choctaw tribe of Indians, and is commonly known as the Choctaw Nation, Indian Territory. At the time the treaty was made, some of the Indians were unwilling to leave this country, and for the benefit of those who wanted to stay here, what is known as the 14th article was put in the treaty. That 14th article provided upon certain conditions a Choctaw who wanted to stay here in Mississippi might receive land here in Mississippi from the Government. It is as follows:

Nelson, Doss, et al., 3.

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Did any of your ancestors or any of your wife's ancestors ever comply or attempt to comply with the provisions of that 14th article, or ever received any benefits under that article? A I don't know, sir.

Q Did any of them own an improvement here at that time? A Not as I knows of.

Q Were any of them recognized members of the Choctaw tribe of Indians here at that time? A No, sir, I don't know.

Q Did any of them live here at that time? A Not as I knows of.

Q Did any of them remove from the old Choctaw Nation here in Mississippi and Alabama, to the present Choctaw Nation, in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A Not as I knows of.

Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi for the Choctaws know that they wanted to stay here in Mississippi and become citizens of the States and take land? A Not as I knows of.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A No, sir.

Q Sure of that, are you? A Yes, sir.

Q Any of them ever get any land under any other article of that treaty or under the supplement to that treaty? A No, sir, not as I knows anything about.

Q You never heard of any of your ancestors ever having gotten any land here in Mississippi from the Government? A No, sir.

Q Or any money from the Government? A No, sir, never have heard.

Q Any of them ever live in Indian Territory? A Not as I knows of.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to

Nelson Doss, et al., 4.

remain here and become citizens of the States and take land. The records of the Government show that this agent failed to register and report to the Government the names of many Indians who did in fact let him know that they wanted to stay here and become citizens and take land, and on this account, the Government at its public land sales here in Mississippi, in many instances sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under article 14 of the treaty of Dancing Rabbit Creek. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed an Act which was approved on the third day of March, 1837, providing for the appointment of a Commission to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. This commission was duly appointed by the President of the United States, and the commissioners came down here to Mississippi and heard a few of these Choctaw cases, but in the time allowed them by the Act of Congress under which they were appointed, and a later Act of Congress which was approved on the 22nd day of February, 1838, providing for the continuance of this commission, they were unable to dispose of but a comparatively small number of these cases. It therefore became necessary for Congress to make further provisions by which the remainder of these Indians might be given hearings, so another Act was passed which was approved on the 23rd day of August, 1842, providing for the appointment of another Commission to come down here to Mississippi and finish up the hearing of these cases. This commission was duly appointed by the President of the United States and the commissioners came down here to Mississippi and heard a great many of these cases.

Q Did any of your ancestors appear before either of these commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A Not as I know of.

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government, he should be entitled to select in lieu thereof, land elsewhere in Mississippi, or Alabama, or Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any of this scrip from the Government of the United States under this Act of Congress?

Q Not as I know of. If they did, I don't know anything about it.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with

Nelson Doss, et al., 5.

the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, sir, I think not.
Q Have you any witnesses here to-day? A No, sir.

If you should find any witnesses whose testimony you desire to have taken in support of your application, they may appear before the Commission here at Meridian, Mississippi, before the 15th of next month, or within a reasonable time thereafter at the General Office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Have you any brothers living? A Yes, sir.
Q How many? A Four.
Q What are their names? A Jerry, Robert, Lee and John Doss.
Q Have you any sisters living? A Yes, sir.
Q How many? A Three.
Q What are their names? A Yannie, Harris, Ann Laurie and Lena Doss.
Q Have any of them been before the Commission? A No, sir.
Q Do you speak the Choctaw language? A No, sir, I aint never.
Q Are there any further statements you desire to make at this time in support of your application? A No, sir, I believe not.

(This applicant has the features and color and facial expressions of a negro; he does not speak or understand the Choctaw language. His hair would indicate that he might be possessed of some either white or Indian blood.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 18th day of January, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. S. Streit

Subscribed and sworn to before me at Meridian, Mississippi, this 24th day of January, 1902.

L. B. Maxwell
Clerk U.S. Circuit Court,
Southern District of Mississippi,

By *[Signature]*

Deputy.

M.C.R. 4551.

Muskogee, Indian Territory, August 8, 1902.

Nelson Doss,
Starkville, Mississippi.

Dear Sir:

You are hereby advised that on the 8th day of August 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Jerry Doss, et al., embracing the following applications for identification as Mississippi Choctaws:

Jerry Doss, et al.,	M.C.R. 4549
Jerry Doss Jr., et al.,	" 4576
Fannie Harris, et al.,	" 4567
Lena Doss,	" 4568
Nelson Doss, et al.,	" 4551.

These applications were made under the provision of the Act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article Fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

X. D. #2.

"It is, therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Jerry Doss, Robert Doss, Jerry Doss Jr., Sarah Doss, Wallace Doss, Julia Doss, Fannie Harris (No. 1), Walter Harris, Ellis Harris, Pinknam Harris, Fannie Harris (No. 2), Magruder Harris, Meeks Harris, Ellay Harris, Aura P. Harris, Lena Doss, Nelson Doss, John Doss and Walker Doss as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Acting Chairman.

Register.

COPY.

M.C.R. 4551.

Muskog e. Indian Territory, November 7, 1902.

Holson Doss,

Starkville, Mississippi.

Dear Sir:

You are hereby advised that on the 24th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jerry Doss, et al., of which decision you were advised by registered mail on the 8th day of August, 1902.

Respectfully,

(SIGNED)

Tamie Dixby.

Acting Chairman.

7645

No. 4551

For Identification as a Mississippi Choctaw.

Maudie Miss.

Date

JAN 18 1902

Name Nelson Doss

Age 21

Blood don't know.

Post Office, Starkville, Miss.

Father: Jerry Doss (1/4) L

Mother: Julia " (1/4) d

Claims through both parents.

Wife: Hattie Doss L
(no claim for her.)

(Claims for self and 2 children)

Children:

John Doss 2

Walker " 3 mo

(Doesn't know names of any ancestors
except parents.)

Stenographer

R. A. Strick

Choctaw MCR 4552

James Ochiltree

See MCR 4900, 4899, 4968
4996, 4995, 5665, 6239, 6335
6336, 6341

MCR 4552

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----S-----

In the matter of the application of James Ochiltree, et al.,
for identification as Mississippi Choctaws, consolidating the ap-
plications of:

James Ochiltree, et al.,	M. C. R. 4552
Mary Thompson, et al.,	M. C. R. 4968
William Ochiltree, et al.,	M. C. R. 4995
George Ochiltree, et al.,	M. C. R. 4996
Sarah Robinson, et al.,	M. C. R. 4900
Philip Ochiltree,	M. C. R. 4899
William Sage,	M. C. R. 5668
Isaac Ochiltree, et al.,	M. C. R. 6229
Miss McPatrick,	M. C. R. 6335
Louisa B. Burgess,	M. C. R. 6336
Abraham E. Halliday, et al.,	M. C. R. 6341

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List of papers forwarded to the Secretary of the Interior,
comprising the record in the consolidated case of
James Ochiltree, et al.

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4552

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, I.T. January 25, 1902.

In the matter of the application of James Ochiltree, et al.,
for identification as Mississippi Choctaws.

A. S. McRea, attorney appearing for applicants.

James Ochiltree being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A James Ochiltree.
Q How old are you? A Thirty-five.
Q Are you the identical James Ochiltree who on January 22nd, 1902,
at Muskogee, Indian Territory, made application to this Commission
for identification as a Mississippi Choctaw? A Yes sir.

Examination by attorney McRea.

- Q Mr. Ochiltree I see that you stated here that you was in possession
of the license of your father and mother is that a fact? A No sir I
have not the license with me but then I was not there.
Q Then you was not correct in that statement? A No sir I understood
that they referred to my license at that time. No sir I have not.
Q What did you state that the name of your grandfather was? A John
Ochiltree.
Q Have you any information as to whether or not he was ever enrolled
among the members of the Mississippi Choctaws? A No sir.
Qx Have you any information? A He was a Choctaw Indian.
Q Have you any information as to that he was ever enrolled as a
Mississippi Choctaw, that is if he ever made application, your
grandfather? A My grandfather made application?
Q Yes? A No sir I have not.
Q What was your grandfather's name? A John Ochiltree.
Q How it is spelled here two ways, is it Ocktree or Ockltree? A
A Well Ochiltree was given from my father, the name John Ochiltree,
of course in the different writings in Texas there is different ways
of spelling it.
Q Did you ever hear your father speak of your grandfather? A Yes
sir.
Q That your grandfather and your father were both Mississippi
Choctaw Indians? A Yes sir.

Attorney here requests that the roll of Mississippi Choctaws
made by the Commission of 1837 and 1842 be examined to see if
the name of John Ochiltree appears thereon.

By the Commission.

Ward's register of names of Choctaws who signified their intention
to take advantage of the provisions of the fourteenth article of the
treaty of eighteen hundred and thirty between the United States
government and the Choctaw Indians examined and the name of John
Ochiltree not found thereon, neither is such name found upon the
list of claimants whose claims were adjudicated.

#2

by commissions duly authorized thereunto by acts of Congress of March 3, 1837 and August 23, 1842.

Examination by attorney.

Q Was it your information that your father and mother lived together as husband and wife according to the common law marriages of that date? A Yes sir.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on January 25, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of January 1902.

G. Rosenwinkel

Subscribed and sworn to before me this 27 day of January 1902.

Nora M. H. H. H.
Notary Public.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. JANUARY 22, 1902.

4552

In the matter of the application of James Ochiltree for the identification of himself and his three minor children, Bessie, Beulah and Viola Ochiltree, as Mississippi Choctaws.

A. B. McRea, attorney for applicant.

James Ochiltree being first duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Jim Ochtree; of course Ochiltree is the proper name.
Q How do you want it spelled? A Well, you can sign it that way-- O-o-h-i-l-t-r-e-e--James or Jim, either one.
Q What is your age? A Thirty five.
Q What is your post office address? A Bastrop, Bastrop County, Texas.
Q How long have you lived in Bastrop County? A I was raised in the County.
Q Always lived there? A Yes sir.
Q Is your father living? A No sir. My father has been dead for twenty years.
Q Is your mother living? A No sir; dead.
Q What was your father's name? A John W. Ochiltree.
Q O-o-h-i-l-t-r-e-e? A Yes sir.
Q What was your mother's name? A Willie Ochiltree.
Q Through which of these parents do you claim Choctaw blood?
A Father.
Q How much Choctaw blood do you claim? A I claim a half.
Q You claim a half? A Yes sir.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A No sir.
Q Have you the marriage license and certificate of marriage of your father and mother? A Yes sir.
Q Have you the license with you? A No sir; I haven't.
Q You think you can produce it in given reasonable time? Can you get proof off their marriage? A I don't know; I guess I can.

You will be allowed reasonable time in which to do so.

Q When and where were they married, do you remember? A In Bastrop County; I can't give the date.
Q Can't you give the date? A No sir; I can't say the time at all.
Q Are you married? A Yes sir.
Q What is your wife's name? A Martha Oohiltree.
Q Has she any Choctaw blood? A No sir, she hasN't.
Q What is her blood? What is she? A She is a half part negro, and half white-- well, she has three quarters white and one quarter negro.
Q You make no claim for her as a Choctaw Indian, then? A No sir.
Q Have you any children under twenty one years of age and unmarried that you want to make application for? A Yes sir.
Q What is the name of the oldest? A Bessie.
Q How old is Bessie? A Bessie, she will be six years old-- I can't think of the date.
Q What is the name of the next child? A Beulah.
Q How old is Beulah? A Beulah is four years old.
Q What is the name of the next? A The next is Viola.
Q What is her age? A Two years.
Q Is this all the children? A H Yes sir.
Q You make this claim for yourself and children? A Yes sir.
Q Is Martha Oohiltree the mother of these children? A Yes sir.
Q Was she ever married before her marriage to you? A No sir.
Q Were you ever married before? A No sir.
Q And these children live with you at your home? A Yes sir.
Q When and where were you married to your wife, Martha? A Bastrop.
Q Remember the date? A Yes; December 14th, in 1893.
Q Have you the marriage license and certificate with you? A No sir.
Q Do you think you can produce the proof of your marriage with your wife, if given time? A Yes sir.

Reasonable time will be allowed for that purpose.

Q Is your name or the name of any of your children on the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation for yourself or any of your children to the Choctaw tribal authorities in the Indian Territory? A No sir; not personally.
Q Did you ever make any application of any kind to the Choctaw tribal authorities? A Yes sir; I have wrote to them at times.
Q Was any action taken in your correspondence or otherwise? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Commission to the Five Civilized Tribes under the Act of Congress of June 10, 1896? A I didn't, but my brothers might have put in applications; but none of us have ever put in or come here personally.
Q No members of your family ever did? A I don't know what my brothers have done; but I don't think they appeared here personally.
Q Have you or any of your children ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
Q Do you now come before the Commission to identify yourself and these children as Mississippi Choctaws claiming under the fourteenth article of the treaty of 1830? A Yes sir.
Q Do you understand that treaty? A That's when they was taken from Mississippi, isn't it?
Q Yes. A Yes sir.

Q Do you remember the provisions of article fourteen in that treaty?

A No sir, I don't.

Q Would you like to have it explained to you? A Yes sir.

The treaty of 1830 sometimes called the Treaty of Dancing Rabbit Creek was entered into between the United States Government and the Choctaw Indians who, in the year 1830 lived in the old Choctaw Nation in Mississippi and Alabama, at a place called Dancing Rabbit Creek in the State of Mississippi; and was signed on the 27th day of September, 1830: it was afterwards ratified on the 24th day of February, 1831. But before it was signed it became known that a good many Choctaw Indians would refuse to go to the Choctaw Nation, Indian Territory, with the other Indians under that treaty and in order to protect the interests of those Indians who preferred to stay back in the old Choctaw Nation East of the Mississippi River article fourteen was put into the treaty. That article was placed there in the treaty for the special benefit of what are now called Mississippi Choctaw Indians and reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you know if your ancestors any of them complied with that article as read and explained? A No sir, I don't.

Q You think you understand that now? A I think so.

Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw-- the relative or kin way back? A Well, I can't go any further than my grandfather, as far as my father could remember: of course, he was away from his father when he was quite young, in fact, he left there, the States, about '38 or '41 somewhere along there.

Q What is the name of your grandfather? A John Ocktree.

Q How do you spell his name? A John O-o-k-l-t-r-e-e.

Q Just spell it as he gave it. A My father gave it in as-- the fact of the business is-- let me explain this to you: of course, it has been quite a while since my father gave this name through the American writers in Texas and some would spell it one way and the other another; but we generally use the name O-o-k-l-t-r-e-e.

Q You say your father gave that in to some writers there in Texas; what do you mean by that? A Well, that's the way they sign his name in any public place or anything like that.

Q Oh, whenever his name appeared in print? A Yes; just owing to the speller, different ways.

Q Do you know whether your father ever lived in the States of Mississippi? A Yes sir; my father and my grandfather too.

Q Your father lived there too? A Yes sir.

Q And he left your grandfather in '38 or '40? A Yes sir.

Q When did your father leave Mississippi? A My father was about on the line of Mississippi or Louisiana and he came from there to Texas; and he just stayed about the line there-- it was about '38 or '41.

Q And went to Texas? A Yes sir.

Q Did your father ever come to the Indian Territory? A No sir.

Q Did your grandfather, John, ever come to the Indian Territory? A Not as I know of.

Q Did he die in Mississippi? A I can't tell you where he died as far as my father knows. From my father, his father never come to the territory. grand

Q Where was your father born? A In Mississippi.

Q What place? A I can't tell you.

Q How much Choctaw blood did your grandfather have? A He claimed to be full-blood Choctaw.

Q How much Choctaw blood did your father have? A Full-blood.

Q And your mother had how much? A My father was full-blood and my mother was just half-part negro and white.

Q Then you claim this half Choctaw blood and half negro and part white? A Yes, my blood is on my mother's side three fourths white and a fourth negro.

Q Did your father ever speak the Choctaw language? A Yes sir.

Q Do you speak the Choctaw language? A No sir.

Q When did your father die? A I can't state the real date of it, but he has been dead twenty some odd years.

Q How old would he be if living now? A Somewheres about seventy or seventy two I think.

Q Did your grandfather live in Mississippi in 1830 and have a family there at that time? A Well, I suppose so; my father was there at that time.

Q Your father would be seventy two now if living? A Yes sir.

Q And was born in Mississippi? A Yes sir.

Q Did he have any older brothers and sisters? A Well, he had a sister -- her name was Sarah.

Q Older? A No sir; she was his aunt.

Q Well, did he have any older brothers and sisters? A No sir; he was the oldest child.

Q Did your grandfather speak the Choctaw language more than he did the English language? A I don't know anything about him any more than what my father states.

Q Did your father speak the Choctaw language as fluently as he did the English? A No sir; he used the Choctaw but not as much as he did the English; he spoke English more; he spoke broken language.

Q Did any of your Choctaw ancestors own any improvements on land in Mississippi and Alabama in 1830? A I can't tell you anything about it.

Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian agent, Col. Ward, and tell him that they wanted to stay in Mississippi take land there and become citizens of the States? A Not that I know of; no sir.

Q Did any of your Choctaw ancestors go from Mississippi and Alabama that old Choctaw Nation to the Choctaw Nation, Indian Territory, with the other Indians between 1833 to 1838? A Not that I know of.

Q Your father, when he moved from Mississippi went straight to Texas? A No sir; he laid over in Louisiana a while.

Q Well, from Louisiana he went to Texas? A Yes, and has always lived there.

Q Did any of your Choctaw ancestors own or claim any land in Mississippi and Alabama under article fourteen of the treaty of 1830?

A No sir.

Q Did they own or claim any land or benefits under any other article fourteen or under the supplemental articles to the treaty of 1830?

A Not as I know of.

Q Did any of your Choctaw ancestors own or claim any rights as Choctaw Indians under any treaty made between the United States Government and the Choctaw Indians other than the treaty of 1830?

A Not as I know of.

The members of the Choctaw tribe of Indians living in Mississippi and Alabama in the old Choctaw Nation in 1830 who refused to go to the Choctaw Nation, Indian Territory with the other Indians after the treaty of 1830 was ratified, if they wanted to take advantage of the provisions of the fourteenth article of the treaty of 1830 were required to go to the United States Indian agent, Col. Ward, within six months from the ratification of the treaty of 1830 and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States. He then should have placed their names upon a list known as Ward's Register; a good many Indians went to the United States Indian agent within the time limited in article fourteen of the treaty of 1830 whose names Col. Ward failed to put upon any list made by him. This caused a good many Indians who held land in the old Choctaw Nation in Mississippi and Alabama to lose the land which they held and upon which they had improvements for they were taken from them by the Government and sold at Public Land Sale; this caused many complaints among the Choctaw Indians so that in 1837 Congress appointed a Commission which went to Mississippi and heard claims under the fourteenth article of the treaty of Dancing Rabbit Creek and made a list of the names of all the claimants who appeared before it. In 1842 Congress appointed another Commission under an Act approved August 23, that year, and this Commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

Q Do you know whether any of your Choctaw ancestors appeared before either the Commission of 1837 or that of 1842 and claimed benefits under article fourteen of that treaty? A No sir; I don't.

The Act of Congress approved August 23, 1842, provided that if any Choctaw Indian proved his claim under article fourteen of that treaty if it further appeared that he had had land in Mississippi which the Government had taken from him and sold at its Public Land Sale that he should be entitled to select land in either Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant Government land and that certificates to that effect should be given to him; these certificates were called scrip.

Q Did any of your Choctaw ancestors receive any such scrip or any of these certificate from the United States Government as Choctaw Indians? A Not that I know of.

Q Have you any relatives who have appeared before this Commission to be identified as Mississippi Choctaws? A Not that I know of.

Q No kin? A No sir.

Q Have you any documentary evidence or any other evidence of any kind or any witnesses that you want to call now before the Commission?
A No sir.

Q You have no other evidence or testimony that you want to present now? A No sir.

Q Do you want time in which to introduce proper evidence in support of this application? A Well, does it require a testimony from another State, that is to prove yet up that he was a Choctaw or something of that kind?

Q Well, of course, it is not possible for the Commission to tell you how to prove your case, but I make this suggestion, that you prove, if you can, first, that your grandfather was a full-blood Choctaw Indian by such conclusive testimony as you are able to get and secondly show, if possible that he complied with the provisions of the fourteenth article that has been read to you; and, in order that you may be able to do that, reasonable time will be given to you either to take depositions of witnesses or to produce witnesses in person before the Commission, or to prove your case in any proper manner.

Q Do you speak the Choctaw language? A No sir; I don't.

Q Is there anything further you want to say in support of this claim?
A No sir; well, in getting in the evidence and proving up my father's blood, would that identify my brothers?

Q No sir, your other brothers if of age, will have to make application in person.

-:-:-

This applicant has the appearance of one descended from mixed ancestry composed, as he states himself, of Indian, white and negro blood. In physical appearance and in personal marks and characteristics the Indian blood seems to greatly predominate:- black straight hair, dark brown eyes, dark complexion and thin features,- having the features of an Indian more than a white man,- the negro strain does not appear in his physical make-up: in the opinion of the Commission, he has at least a half Indian blood, which he says is Choctaw Indian blood. He does not understand the Choctaw language and has no knowledge of the compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of 1830.

-:-:-

Henry G. Hains being duly sworn testifies that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on January 22, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 23rd day of January, 1902.

Chas. W. Wood

Notary Public,

154
C. W.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of James Ochiltree, et al.,
for identification as Mississippi Choctaws, consolidating the ap-
plications of:

James Ochiltree, et al.,	M. C. R. 4552
Mary Thompson, et al.,	M. C. R. 4968
William Ockittree, et al.,	M. C. R. 4998
George Ockittree, et al.,	M. C. R. 4996
Sarah Robinson, et al.,	M. C. R. 4900
Philip Ochiltree,	M. C. R. 4889
William Gage,	M. C. R. 5665
Isaac Ockittree, et al.,	M. C. R. 6239
Eliza Kilpatrick,	M. C. R. 6336
Louisa E. Burgess,	M. C. R. 6336
Abraham E. Halliday, et al.,	M. C. R. 6341

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--: D E C I S I O N :--

It appears from the record herein that applications
for identification as Mississippi Choctaws were made to this
Commission by James Ochiltree for himself and his three minor
children, Beasia, Beulah and Viola Ochiltree; by Mary Thompson
for herself and her eleven minor children, Frank, Winnie, Fannie,
Charley, Emma, Arthur, Lillie, Earnest, Sam R., Rita May and
Margan Thompson; by William Ockittree for himself and his three
minor children, Willie Anna, Carrie and Sterling Ockittree; by
George Ockittree for himself and his nine minor children, George,
Walter, Thomas, Lelia Ann, Howard, Van, Lavinia, Chester and
Ernest Ockittree; by Sarah Robinson for herself and her four
minor children, Mary, Allie, Sallie and Lee Roy Robinson; by

Philip Oohiltree for himself; by William Gage for himself; by Isaac Oekittree for himself and his five minor children, George, Mary, Joseph, Effie and Sarah Oekittree; by Eliza Kilpatrick for herself; by Louisa E. Burgess for herself, and by Abraham E. Halliday for himself and his minor child, Theron Halliday, under the following provision of the act of Congress approved June 28, 1898 (30 Stat. 498):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of John (or Johnnie) Oekitree (or Oektree, or Oekletree or Oohiltree, or Oekittree, or Oekrittree, or Oekiltree, or Oekhitree, or Oekitree, or Oekitree) who is alleged to have been a full blood Choctaw Indian and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in

Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats. 321).

Special reference is made by part of the applicants herein to page 628 of Volume VII of the American State Papers, Public Lands, wherein is it found that the name of one John Ockittree appears in a "List of militia donations of 100 acres granted by the governors to the militiamen in Vincennes, on 1st August, 1793"; this record in no way relates to article fourteen of the treaty of eighteen hundred and thirty.

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said John (or Johnnie) Ockittree (or Ocktree, or Ockietree, or Ochiltree, or Ockittree, or Ockrittree, or Ockiltree, or Ockhittree, or Ockittree, or Ockitree) or an ancestor less remote, or any of the applicants herein, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Cheataw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats. 186) and August 23, 1842 (5 Stats. 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of James Ochiltree, Bessie Ochiltree, Beulah Ochiltree, Viola Ochiltree, Mary Thompson, Frank Thompson, Winnie Thompson, Fannie Thompson,

Charley Thompson, Marie Thompson, Arthur Thompson, Lillie Thompson,
 Earnest Thompson, Sam R. Thompson, Etta May Thompson, Morgan
 Thompson, William Ockittree, Willie Anna Ockittree, Carrie Ockittree,
 Sterling Ockittree, George Ockittree, George Ockittree, Jr., Walter
 Ockittree, Thomas Ockittree, Lella Ann Ockittree, Howard Ockittree,
 Van Ockittree, Ravinia Ockittree, Chester Ockittree, Ernest Ockittree,
 Sarah Robinson, Mary Robinson, Allie Robinson, Sallie Robinson,
 Lee Ray Robinson, Philip Ockittree, William Gage, Isaac Ockittree,
 George Ockittree, Mary Ockittree, Joseph Ockittree, Effie Ockittree,
 Sarah Ockittree, Eliza Kilpatrick, Louisa E. Burgess, Abraham E.
 Halliday and Theron Halliday as Choctaw Indians entitled to rights
 in the Choctaw lands under the provisions of said article fourteen
 of the treaty of eighteen hundred and thirty, and that the applica-
 tions for their identification as such should be refused, and it
 is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

(SIGNED)

Tamc Parby

Acting Chairman

(SIGNED)

T. B. Needles

Commissioner

(SIGNED)

C. R. Brockinridge

Commissioner

Muskogee, Indian Territory

DEC 1 1902

COPY:

M.C.R. 4552

Muskogee, Indian Territory, December 1, 1902.

James Gehlertree,

Eastrop, Texas.

Dear Sir:

You are hereby advised that on the 1st day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of James Gehlertree, et al., embracing the following applications for identification as Mississippi Choctaws:

James Gehlertree, et al.,	M.C.R. 4552
Mary Thompson, et al.,	M.C.R. 4968
William Gehlertree, et al.,	M.C.R. 4995
George Gehlertree, et al.,	M.C.R. 4996
Sarah Robinson, et al.,	M.C.R. 4900
Philip Gehlertree,	M.C.R. 4929
William Gage,	M.C.R. 5666
Isaac Gehlertree, et al.,	M.C.R. 6239
Eliza Kilpatrick,	M.C.R. 6335
Louise E. Burgess,	M.C.R. 6336
Abraham E. Halliday, et al.,	M.C.R. 6341

These applications were made under the provision of the act of Congress of June 26, 1896 (30 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of James Ockittree, Beatie Ockittree, Beulah Ockittree, Viola Ockittree, Mary Thompson, Frank Thompson, Winnie Thompson, Fannie Thompson, Charley Thompson, Mamie Thompson, Arthur Thompson, Lillie Thompson, Earnest Thompson, Sam R. Thompson, Etta May Thompson, Morgan Thompson, William Ockittree, Willie Ockittree, George Ockittree, Starling Ockittree, George Ockittree, George Ockittree, Jr., Walter Ockittree, Thomas Ockittree, Leila Ann Ockittree, Howard Ockittree, Van Ockittree, Lavinia Ockittree, Chester Ockittree, Ernest Ockittree, Sarah Robinson, Mary Robinson, Allie Robinson, Sallie Robinson, Lee Roy Robinson, Philip Ockittree, William Gage, Isaac Ockittree, George Ockittree, Mary Ockittree, Joseph Ockittree, Effie Ockittree, Sarah Ockittree, Eliza Kilpatrick Louisa E. Burgess, Abraham E. Halliday and Theron Halliday, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Taine Dixby.

Acting Chairman.

Registered.

Muskogee, Indian Territory, December 17, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of James Ochiltree, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of December 1, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

James Ochiltree, et al.,	M.C.R. 4552
Mary Thompson, et al.,	M.C.R. 4968
William Ockittree, et al.,	M.C.R. 4995
George Ockittree, et al.,	M.C.R. 4996
Sarah Robinson, et al.,	M.C.R. 4900
Philip Ochiltree,	M.C.R. 4899
William Gage,	M.C.R. 5665
Isaac Ockittree, et al.,	M.C.R. 6239
Eliza Kilpatrick,	M.C.R. 6335
Louisa E. Burgess,	M.C.R. 6336
Abraham E. Halliday, et al.,	M.C.R. 6341

The Commission has the honor to report that the principal applicants in the several separate applications, their attorney of record, and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the

Secretary. 2.

Commission, copies of said letters being attached to the
record.

Respectfully,

SIGNED

Through the
Commissioner of Indian Affairs.

Tamie Dixey.

Acting Chairman.

Enc. M. C. R. 4552.

M C R 4852
M C R 4908
M C R 4239

Muskogee, Indian Territory, March 21, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

In the matter of the consolidated Mississippi Choctaw case of James Gehltree, et al., the record therein, together with the decision of the Commission refusing the several applicants in said case, was, on December 17, 1903, transmitted to the Department.

On March 12, 1905, the Secretary of the Interior approved the decision of the Commission in this case, notice of such departmental action being furnished the applicants on March 23, 1905.

On this date the Commission received from John Andrewartha, agent for William and Isaac Gehltree, applicants in said consolidated case, a sworn petition praying for a rehearing in the matter of the applications of Isaac and William Gehltree, et al. Said petition is herewith transmitted.

Respectfully,

Chairman.

Through the Commissioner
of Indian Affairs.

MEM 78

Received of the Commission to the Five Civilized Tribes
one copy of the testimony of the principal applicant in the
following Mississippi Choctaw cases:

Philip Ochiltree
Sarah Robinson, et al.

M C R 4899
M C R 4900

A. S. McRea

Muskogee, Indian Territory,
March 31, 1902.

April 16, 1902

*Recd one copy of
testimony in case MCR 4968
Mary Thompson et al
A. S. McRea*

Muskogee, I.T. January 25/02.

Received this day of the Commission
to the Five Civilized Tribes, one
copy of the testimony taken
at the original hearing in
the application of James
Ochiltree et al for identification
as Mississippi Choctaws.
Commission No M.C.R. 4552.

A. J. M. Rea

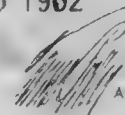
Atty for applicants

M.C. R 4552

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

JAN 25 1902



ACTING SECRETARY

COPY.

Muskegee, Indian Territory, December 1, 1902.

A.B. McRae,

Attorney-at-Law,

Dear Sir: Muskegee, Indian Territory.

You are hereby advised that on the 1st day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of James Ochiltree, et al., embracing the following applications for identification as Mississippi Choctaws:

James Ochiltree, et al.,	M.C.R. 4552
Mary Thompson, et al.,	" 4553
William Ochiltree, et al.,	" 4554
George Ochiltree, et al.,	" 4555
Sarah Robinson, et al.,	" 4556
Philip Ochiltree,	" 4557
William Gage,	" 4558
James Ochiltree, et al.,	" 4559
Elias Kilpatrick,	" 4560
Louisa E. Burgess,	" 4561
Abraham N. Halliday, et al.,	" 4562

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

A.S.M.-----2

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of James Ochiltree, Bessie Ochiltree, Beulah Ochiltree, Viola Ochiltree, Mary Thompson, Frank Thompson, Winnie Thompson, Fannie Thompson, Charley Thompson, Mamie Thompson, Arthur Thompson, Lillie Thompson, Earnest Thompson, Sam R. Thompson, Etta May Thompson, Morgan Thompson, William Ockittree, Willie Anna Ockittree, Carrie Ockittree, Sterling Ockittree, George Ockittree, George Ockittree, Jr., Walter Ockittree, Thomas Ockittree, Leila Ann Ockittree, Howard Ockittree, Van Ockittree, Lavinia Ockittree, Chester Ockittree, Ernest Ockittree, Sarah Robinson, Mary Robinson, Allie Robinson, Sallie Robinson, Lee May Robinson, Philip Ochiltree, William Gage, Isaac Ockittree, George Ockittree, Mary Ockittree, Joseph Ockittree, Effie Ockittree, Sarah Ockittree, Eliza Kilpatrick, Louisa E. Burgess, Abraham E. Halliday and Theron Halliday as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office and that at the expiration of said time the papers in the case, together with such arguments will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,
SIGNED

James C. Smith

Acting Chairman.

Registered.

M.C.R. 4552

COPY.

Muskogee, Indian Territory, December 1, 1902.

Manfield, McHurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 1st day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of James Ochiltree, et al., embracing the following applications for identification as Mississippi Choctaws:

James Ochiltree, et al.,	M.C.R. 4552
Mary Thompson, et al.,	M.C.R. 4568
William Ochiltree, et al.,	M.C.R. 4995
George Ochiltree, et al.,	M.C.R. 4996
Sarah Robinson, et al.,	M.C.R. 4900
Philip Ochiltree, et al.,	M.C.R. 4997
William Gage,	M.C.R. 5568
Isaac Ochiltree, et al.,	M.C.R. 5559
Eliza Elizabeth,	M.C.R. 5556
Louisa E. Birgeon,	M.C.R. 5556
Abraham E. McIlhenny, et al.,	M.C.R. 5512

These applications were made under the provision of the act of Congress of June 25, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of James Ochiltree, Bessie Ochiltree, Beulah Ochiltree, Viola Ochiltree, Mary Thompson, Frank Thompson, Winnie Thompson, Fannie Thompson, Charley Thompson, Mamie Thompson, Arthur

M. McN. & C.-----2

Thompson, Lillie Thompson, Earnest Thompson, Sam E. Thompson, Etta May Thompson, Morgan Thompson, William Ockittree, Willie Anna Ockittree, Carrie Ockittree, Sterling Ockittree, George Ockittree, George Ockittree, Jr., Walter Ockittree, Thomas Ockittree, Della Ann Ockittree, Howard Ockittree, Van Ockittree, Lavinia Ockittree, Elmer Ockittree, Ernest Ockittree, Sarah Robinson, Mary Robinson, Allie Robinson, Sallie Robinson, Lee Roy Robinson, Philip Ockittree, William Gage, Isaac Ockittree, George Ockittree, Mary Ockittree, Joseph Ockittree, Effie Ockittree, Sarah Ockittree, Eliza Kilpatrick, Louisa E. Burgess, Abraham N. Halliday and Theron Halliday as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

James B. Bixby

Acting Chairman.

C O P Y.

Land.
75,262-1902.

Department of the Interior,
Office of Indian Affairs,
Washington, February 4, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to submit, herewith for your consideration, the record of the Commission to the Five Civilized Tribes, in the matter of the consolidated application for identification as Mississippi Choctaws, of the following parties: James Ockiltree for himself and his three minor children, Bessie, Beulah and Viola Ockiltree; Mary Thompson for herself and her eleven minor children, Frank, Winnie, Fannie, Charley, Mamie, Arthur, Lillie, Earnest, Sam R., Etta May and Morgan Thompson; William Ockiltree for himself and his three minor children, Willie Anna, Carrie and Sterling Ockiltree; George Ockiltree for himself and his nine minor children, George, Walter, Thomas, Lelia Ann, Howard, Van, Lavinia, Chester and Ernest Ockiltree; Sarah Robinson for herself and her four minor children, Mary, Allie, Sallie and Lee Roy Robinson; Philip Ockiltree for himself; William Gage for himself; Isaac Ockiltree for himself and his five minor children, George, Mary, Joseph, Effie and Sarah Ockiltree; Eliza Kilpatrick for herself; Louisa E. Burgess for herself and Abraham E. Halliday for himself and his minor child, Theron Halliday, wherein a decision adverse to the applicants was rendered by the commission on December 1, 1902.

The papers in this case show that the applicants claim right to identification as Mississippi Choctaws under this application through

---2---

their descent from John Ochiltree, who, they, claim, was a Choctaw Indian and a resident of the Choctaw Nation, in Mississippi, at the time of the making of the Choctaw treaty of 1830.

The commission rejected the applicants because the name of their ancestor, through whom they claim, did not appear among the names of those persons who complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of 1830, and for the additional reason that the applicants themselves did not comply or attempt to comply with the provisions of said article of the Choctaw treaty of 1830.

An examination has been made of the records of this office and it is found that the name of John Ochiltree does not appear among the names of those persons who complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of 1830.

This being true, it is believed that the decision of the commission rejecting the applicants was correct, and it is recommended, therefore, that the decision be affirmed.

Very respectfully,

A. C. TONNER.

Acting Commissioner.

(H.B.H.) P.

D.C. 7254

C O P Y.

J.W.H.

DEPARTMENT OF THE INTERIOR

W A S H I N G T O N.

J.H.H.

L.M.D. 1364-1903.

March 12, 1903.

L R S

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

December 17, 1902, you transmitted the record in the consolidated case embracing the applications for identification as Mississippi Choctaws of James Ockittree (M.C.R. 4552), Bessie Ockittree, Beulah Ockittree, Viola Ockittree, Mary Thompson, Frank Thompson, Winnie Thompson, Fannie Thompson, Charley Thompson, Mamie Thompson, Arthur Thompson, Lillie Thompson, Earnest Thompson, Sam R. Thompson, Etta May Thompson, Morgan Thompson, William Ockittree, Willie Anna Ockittree, Carrie Ockittree, Sterling Ockittree, George Ockittree, George Ockittree, Walter Ockittree, Thomas Ockittree, Lelia Ann Ockittree, Howard Ockittree, Van Ockittree, Lavinia Ockittree, Chester Ockittree, Ernest Ockittree, Sarah Robinson, Mary Robinson, Allie Robinson, Sallie Robinson, Lee Roy Robinson, Philip Ockittree, William Gage, Isaac Ockittree, George Ockittree, Mary Ockittree, Joseph Ockittree, Effie Ockittree, Sarah Ockittree, Eliza Kilpatrick, Louise E. Burgess, Abraham E. Halliday and Theron Halliday including your decision of December 1, 1902, refusing to identify them as such.

These applicants, consisting of several generations, are the descendants of John Ockittree, from whom they trace their descent through two of his children, viz: John W. and Daniel Ockittree.

In said decision you state that

"It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said John (or Johnnie) Ockltree (or Ocktree, or Ockletree, or Ochiltree, or Ockittree, or Ockrittree, or Ockiltree, or Ockittree, or Okittree, or Okitree) or an ancestor less remote, or any of the applicants herein, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats. 513)."

Reporting in the matter February 4, 1903, the Acting Commissioner of Indian Affairs states that

"An examination has been made of the records of this office and it is found that the name of John Ochiltree does not appear among the names of those persons who complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of 1830.

This being true, it is believed that the decision of the Commission rejecting the applicants was correct, and it is recommended therefore, that the decision be affirmed."

The Department concurs in the recommendation of the Acting Commissioner and your decision is hereby affirmed. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

F.L. Campbell,

Acting Secretary

1 inclosure.

M.C.R. 4552

COPY.

Muskogee, Indian Territory, March 23, 1903.

A. S. McRae,
Attorney-at-Law,
Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that on the 12th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of James Echiltree, et al., of which decision you were advised by registered mail on the 1st day of December, 1902.

Respectfully,

(SIGNED)

James Bixby
Chairman.

M.C.R. 4552

COPY.

Muskogee, Indian Territory, March 23, 1903.

Mansfield, McFurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 12th day of March, 1903 the Secretary of the Interior affirmed the decision of this Commission, refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of James Ochiltree, et al., of which decision you were advised by mail on the 1st day of December, 1902.

Respectfully,

SIGNED

James Dixby.
Chairman.

COPY.

M.O.R. 4552

Muskogee, Indian Territory, March 23, 1903.

James Ochiltree,
Eastrop, Texas.

Dear Sir:

You are hereby notified that on the 12th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission, refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of James Ochiltree, et al., of which decision you were advised by registered mail on the 1st day of December, 1902.

Respectfully,

(SIGNED).

James D. Kirby.

Chairman.

Muskogee, Indian Territory, May 8, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

In the matter of the consolidated Mississippi Choctaw case of James Ockiltree, et al., the record therein, together with the decision of the Commission refusing the several applications in this case, was, on December 17, 1902, transmitted to the Department.

On March 12, 1903, the Department approved the decision of the Commission in this case, and on March 23, 1903, the several applicants were duly notified of such departmental action.

On this date there was received from Sprinkel & Oneal, attorneys for the applicants in this case, the sworn petition of James Ockiltree praying for a rehearing in this case. This petition is herewith transmitted.

Respectfully,

Through the Commissioner
of Indian Affairs.

Chairman.

MAY 8

M C R 4852

Muskogee, Indian Territory, April 8, 1903.

S. R. Lewis,

Claremore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 30th ultimo, in which you ask "Will you please advise me in regard to the status of the Oeultree family of Austin Texas who are claimants of Choctaw citizenship as Miss. Choctaws. Please advise me if they are on the rolls, strait."

In reply to your letter you are advised that James Oehiltree and certain other persons made application to this Commission for identification as Mississippi Choctaws, claiming descent from John Oekltree.

On March 12, 1903, the Secretary of the Interior approved the decision of the Commission refusing the several applications included in the consolidated Mississippi Choctaw case of James Oehiltree, et al., and the Commission now considers this case closed.

Respectfully,

Chairman.

H O R 4862

Muskogee, Indian Territory, May 6, 1903.

Sprinkel & Oneal,

Attorneys at Law,

South McAlester, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of the affidavit of James Ochiltree, in the form of a petition, asking for a rehearing in the consolidated Mississippi Choctaw case of James Ochiltree, et al. The same has this day been transmitted to the Secretary of the Interior.

Respectfully,

Chairman.

Land.
SQ. 735-1903.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington,

July 1, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith a communication from the Commission to the Five Civilized Tribes, dated May 8, 1903, relative to the consolidated Mississippi Choctaw case of James Ochiltree, et al., from which letter it appears that the Commission refused the several applications in said case, and on December 17, 1902, transmitted the record to the Department; that on March 12, 1903, the Department approved the decision of the Commission, and on March 23, 1903, that the several applicants were duly notified of such Departmental decision. The Commission then says that on this date there was received from Sprinkel & Busal, attorneys for the applicants, the sworn petition of James Ochiltree praying for a re-hearing in this case, and the Commission transmits said petition.

The office has examined this sworn statement of Mr. Ochiltree and finds that he complains that his case was submitted in an irregular way, and he now claims that if the case is ordered ~~renewed~~ and remanded back to the Commission for re-hearing, he will be able to show by several witnesses therein named that John William Ochiltree, who is his father, was a fullblood Choctaw Indian, and in early life removed from the State of Mississippi to the State of Texas, where the applicant, James Ochiltree, was raised. He submits no facts in said sworn

statement which tend to show that any of his ancestors ever complied, or attempted to comply, with the provisions of the 14th article of the Treaty of 1830, or that any of them ever received patents for land or scrip in lieu thereof by reason of having complied with the provisions of said Treaty. If Mr. Ochiltree should prove the facts he says he can prove upon a re-hearing of the case, it would not avail him anything as an applicant for identification as a Mississippi Choctaw under the provisions of said 14th article.

The office does not therefore consider that this case should be remanded for a re-hearing until Mr. Ochiltree submits such facts and claims he can support them with proof, as will at least tend to show that his claim for identification is a good one.

The record in this case is transmitted herewith.

Very respectfully,

W. A. Jones,

Commissioner.

WAB-000

J.P.
D.C. 20248

ITD. 5408 &
1364-1903.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

WOF
HAF.

July 25, 1903.

Commission to the Five Civilized Tribes,
Muskogee, I.T.

Gentlemen:

On July 1, 1903, the Commissioner of Indian Affairs transmitted the sworn statement of James Ochiltree praying for a rehearing in the consolidated Mississippi Choctaw case of James Ochiltree et al.

On December 1, 1902, you rendered your decision rejecting the applicants in this case, and on March 12, 1903, your decision in so rejecting them was approved by the Department.

In the applicant's sworn statement he claims that, by reason of his compliance with the instructions of his attorney, the testimony in his case was submitted to your Commission at Muskogee, I.T., irregularly, and that if the case be remanded back to your Commission for rehearing he will be able to go before same with certain witnesses and proof that John William Ochiltree, who was his father, was a full blood Choctaw Indian and in early days removed from the State of Mississippi to the State of Texas.

In the Commissioner of Indian Affairs' letter transmitting the petition he states that-

"The office does not therefore consider that this case should be remanded for a re-hearing until Mr. Ochiltree submits such facts and claims he can support them with proof, as will at least tend to show that his claim for identification is a good one."

The mere proof that the applicant's ancestor was a full blood Indian and a resident of Mississippi in 1830 is not sufficient within itself to entitle applicants to benefits under the provisions of article 14 of the treaty of 1830. He must also show that he or his ancestor complied or attempted to comply, in person or by proxy, with the provisions of said article, or with the subsequent acts of Congress relating thereto. There is nothing in the applicant's sworn statement tending to show that further evidence would prove that such requirements were complied with.

The Department therefore fails to see wherein the applicants would be benefited by a rehearing in the matter, and the petition for rehearing is refused.

Respectfully,

(Signed) Thos Ryan.

Acting Secretary.

1 encl.

M C R 4382

Muskogee, Indian Territory, August 5, 1903.

Sprinkel & Oneal,
Attorneys at Law,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that the motion heretofore made before the Secretary of the Interior to re-open the application of James Ochiltree, et al. for identification as Mississippi Choctaws, was denied by the Department on July 28, 1903; a copy of the letter of the Secretary of the Interior being enclosed herewith.

Respectfully,

Commissioner in Charge.

EX 13

MC 1287
3935
4552

Muskogee, Indian Territory, August 22, 1903.

T. V. Sprinkle,

Attorney at Law,

South McAlester, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of August 19, asking for copies of the testimony in the applications for identification as Mississippi Choctaws of James Ochiltree, et al., Samuel G. Caldwell, et al. and Ben Webster.

In reply to your letter you are informed that it appears from our records that one of these applicants has an attorney of record, A. B. McRea, and no attorney of record appears in the other cases, and before the Commission can furnish you copies of the testimony requested it will be necessary for you to forward a written authorization from each of the principal applicants in these cases, constituting you their attorney of record. The matter of your request will have relative proper consideration.

Respectfully,

Commissioner in Charge

K C R 4552

Muskogee, Indian Territory, September 26, 1903.

T. V. Sprinkel,

Attorney at Law,

South McAlester, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 21st ultimo, in which you ask "Please send me copy of record in James Ochiltree's case." You state "Enclosed find authorization papers."

In reply you are informed that said papers have not been received at this office.

Respectfully,

Chairman.

M C R 4552
M C R 4998
M C R 6239

Muskogee, Indian Territory, March 21, 1905.

John Andrewartha,
1108 West 8th Street,
Austin, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 13th instant, enclosing the sworn petition of Wm. and Isaac Gekittree, praying for a rehearing in the matter of their applications for identification as Mississippi Choctaws, said applications being included in the consolidated Mississippi Choctaw case of James Gekittree, et al. Said petition has this day been forwarded to the Secretary of the Interior.

Respectfully,

Chairman.

M C R 4532

Muskogee, Indian Territory, March 29, 1906.

John Andrewartha,
#108 West 8th Street,
Austin, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 20th instant, stating that you have employed one I. B. Robinson, an attorney at law, of Gainesville, Texas, to attend to the Ockittree Mississippi Choctaw cases.

In reply you are informed that a proper record has been made of your letter.

Respectfully,

Chairman.

Land.
22734-1903.
42222-1903.
22738-1903.

C O P Y

42222

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington.

May 22, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letters of March 12, 1903, and
July 28, 1903 (I. T. D. 1344 and 5408-1903) there is enclosed a
communication from the Commission to the Five Civilized Tribes
dated March 28, 1905, transmitting a petition of William Oak-
attree, Jr. and Isaac Oakittree for reopening the Mississippi
Choctaw enrollment case of James Oakittree et al. The record
is also enclosed.

Your attention is invited to Office letter of February 4,
1903 (Land 75262-1902).

Very respectfully,

C. F. Larrabee

Acting Commissioner.

M. M. M.
W.

42306

C O P Y

D. C. 42306

DEPARTMENT OF THE INTERIOR, WOT
WASHINGTON, D. C. June 2, 1905.
I.T.D. 4322-1905.

L R S

Commission to the Five Civilized Tribes,
Tulsa, Indian Territory.

Gentlemen:

The Department is in receipt of your letter of March 21, 1905, transmitting the petition of John Andrewartha, praying for a rehearing in the Mississippi Choctaw case of James Ochiltree, et al, in so far as it affects the applicants William and Isaac Ochiltree, et al.

The Department will grant motions for rehearings in such cases only where sufficient showing is made to justify the belief that if a rehearing be granted the applicants can prove that they are full blood Mississippi Choctaw Indians, or that they

are entitled to the Choctaw Treaty of 1830.

There is nothing contained in the petition to justify the Department in granting a rehearing. The petition is therefore denied and you will so notify the petitioner.

Respectfully,

H. A. HITCHCOCK,

Secretary.

M O R 4832

Muskogee, Indian Territory, June 20, 1908.

John Andrewartha,

2001 East Eighth Street,

Austin, Texas.

Dear Sir:

For your information there is herewith enclosed copy of departmental letter of June 2, 1908, denying the petition heretofore filed by you praying for a rehearing in the Mississippi Chaw-taw case of James Okkittree, et al., in so far as it affects the applicants William and Isaac Okkittree, et al.

Respectfully,

Chairman.

WAK 20/08

Form No. 260.

THE WESTERN UNION TELEGRAPH COMPANY.

21,000 OFFICES IN AMERICA. ^{INCORPORATED} CABLE SERVICE TO ALL THE WORLD.

THOS. T. ECKERT, President and General Manager.

Receiver's No.

Time Filed

Check

Government Collect.

SEND the following message subject to the terms
on back hereof, which are hereby agreed to.

January 3, 1903.

W. A. Durant,

Durant, Indian Territory.

Replying your telegram even date application of George Oaklilree et al
for identification as Mississippi Choctaws refused by Commission December
first Nineteen hundred two. Record forwarded Department December seven-
teenth.

Bixby

O.B.O.R.

Acting Chairman.

READ THE NOTICE AND AGREEMENT ON BACK.

John Ockltree (fb)
 or Ocktree
 Ockletree
 Ochiltree
 Ockittree

John W. Ochiltree (fb)
 (or John William Ockletree)
 wife:
 ① Winnie Ochiltree
 (neg + w) dead
 ② Fannie Ochiltree

mer
 4552

James Ochiltree 35-1/2
 wife
 Martha Ochiltree
 (neg + w)

mer
 4553

Bessie Ochiltree 6
 " Beulah " 4
 " Viola " 2

①

mer
 4968

Mary Ochiltree 44-1/2
 mar
 Charley Thompson
 (negro)

mer
 4968

Frank Thompson 20
 " Winnie " 18
 " Fannie " 17
 " Charley " 15
 " Mamie " 15 + Conflict slip
 says 13
 " Arthur " 12
 " Lillie " 10
 " Earnest " 8
 " Sam R. " 6
 " Etta May " 4
 " Morgan " 2

mer
 4995

William Ockittree 40 1/2
 or William Ochiltree
 wife
 Julia Ockittree
 (negro)

mer
 4985

Willie Anna Ochiltree 13
 (or Ockittree)
 " Carrie " 4
 " Sterling " 2

mar 4996	George Ochittree	17
"	Walter	15
"	Thomas	13
"	Lelia Ann	11
"	Howard	9
"	Van	7
"	Lavinia	5
"	Chester	3
"	Ernest	1

mar
4996
George Ochittree 42- $\frac{1}{2}$
wife
Elsie Ochittree
(neg)

mar 4900	Mary Robinson	16
"	Allie	14
"	Sallie	12
"	Lee Roy	1
mar 5665	William Gage	21- $\frac{1}{4}$
	wife Goldie Gage (neg)	

mar
4900
Sarah Ochiltree 38- $\frac{1}{2}$
mar
① Joe Gage
② Mose Robinson
negro

mar
4899
Philip Ochiltree 37- $\frac{1}{2}$

Isaac Ochiltree - see page 3

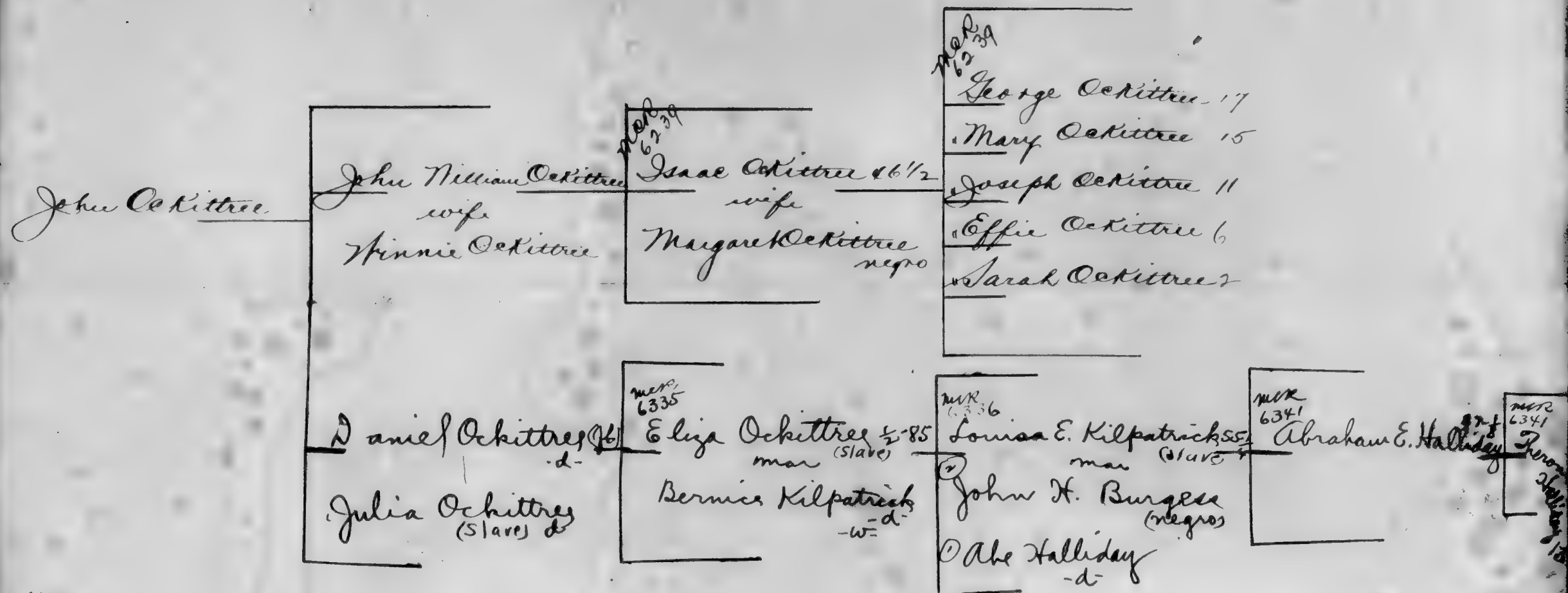
John Ochiltree fl
Ochtree
Ochiltree
Ochiltree

John W. Ochiltree (fl)
dead
(or John William Ochiltree)
wife
① Winnie Ochiltree
(neg + w) dead
② Fannie Ochiltree

REFER TO M. C. R. #552

James O'Brien
et. al.

Consolidated Case
#



No. 1552

For Identification as a Mississippi Choctaw.

Date

JAN 22 1902

Name James Ochittree,

Age 35 — Blood $\frac{1}{2}$

Post Office, Bastrop, Texas,

Father: John W. Ochittree ^{full} d

Mother: Winnie " ^{half} d.

Claims through father
wife - Martha Ochittree, m. & white
No claim for wife.

Children:

Bessie Ochittree, 6

Beulah " 4

Viola " 2

Claims for self and
children

Wm. H. H. H. H.

Choctaw MCR 4553

Cornella Tackett

See MCR 762

MCR 4553

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MEMPHIS, T. T. JANUARY 25, 1902.

4561

In the matter of the application of Cornelia Tackett for the identification of herself and her two minor children, Attie and Ethelma Tackett, as Mississippi Choctaws.

DeGraffinried, attorney for applicant:

Cornelia Tackett being first duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Cornelia Tackett (Applicant spells it).
Q What is your age? A Twenty-six years old.
Q What is your post office address? A Weatherford, Texas.
Q How long have you lived in Weatherford? A Well, I can't tell you I have been living there nearly nine years since I was born; been traveling around a good deal.
Q What county is that in? A Barber. I lived there as long as we was in the State.
Q How long have you lived in Weatherford for the last past year?
A Well, since I was fifteen years old.
Q What is your father's name? A J. E. Hearte.
Q Is he living? A Yes sir.
Q What is your mother's name? A Julia E. Hearte.
Q Is she living? A No sir.
Q Is she now in the U. S. A. 4410? A Yes, she is.
Q Is she the only relative of yours who has appeared here for identification? A No sir, there's a whole line of them.
Q How many will be here for identification and the record made in her name as a part of yours? A Yes sir.
Q And also the other relatives who claim through the same common ancestor? A Yes sir.
Q You claim through which parent? A Mother.
Q How much blood do you claim? A Thirty percent.
Q How your mother ever been recognized in any way as enrolled as a member of the Choctaw tribe of Indians by either the Choctaw or the United States of the authorized of the United States in the Indian Territory? A No sir.

Q Are you married? A Yes sir.
Q What is your husband's name? A William A. Tackett.
Q Is your husband living? A Yes sir.
Q Do you make any claim for him as having Choctaw blood? A No sir, no Indian blood.
Q White man, is he? A Yes sir.
Q How many children have you under twenty one years of age and unmarried that you wish to make application for? A Two.
Q What is the name of the oldest? A Attie Tackett, A-t-t-i-e.
Q How old is she? A Five.
Q The name of the next? A Ethelma-- (E-t-h-a-l-m-a).
Q Is she a girl? A Yes sir.
Q And Attie Also? A Yes sir.
Q How old is she? A Nineteen months old.
Q Is that all the children you wish to make application for? A Yes sir.
Q Is William A. Tackett the father of these children? A Yes sir.
Q And these children are living with you at your home? A Yes sir.
Q You make a claim for yourself and these two children? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A It is not.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A This is the only time; never before now.
Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the five Civilized Tribes under the Act of Congress of June 10, 1896? A No sir.
Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the five Civilized Tribes or the United States Court in Indian Territory? A No sir.
Q Do you now come before the Commission for the purpose of identifying yourself and these two children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir.
Q Do you understand that article of that treaty? A No sir; I don't. Though you understand what a treaty is? A I think I do; I don't know.
Q You understand what a contract in writing between people is? A That's what I thought.

A treaty is a contract; it is called a treaty because made between two or more Nations, and an article of a treaty is one of its subdivisions that treats of the subject matter of the treaty.
The treaty of 1830 sometimes called the Treaty of Dancing Rabbit Creek because it was made at a place called Dancing Rabbit Creek in Mississippi on the 27th day of September, 1830-- was a treaty the principal object of which was to remove all the Choctaw Indians from the old Choctaw Nation, partly in Mississippi and partly in Alabama, to the Choctaw Nation, Indian Territory; but before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation, Indian Territory, and in order to protect their interests, the interests of those now called Mississippi Choctaws and who elected to stay in the old Choctaw Nation in Mississippi and Alabama, article fourteen was put into the treaty of 1830; it was then signed and afterwards on the 24th day of February, 1831, it was ratified. The fourteenth article referred to reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of

land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent; If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

A grant in fee simple would be just a warranty deed from the Government.

Q Do you think you understand that now? A Yes sir.

Q Do you know whether any of your ancestors complied or attempted to comply with any of the provisions of that article of that treaty?

A I don't know, nothing about that.

Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A My mother.

Q Well, going back-- A Well his name was Elisha Tubb.

Q What relation was Elisha Tubb to you? A That would make him my great-great-grandfather, wouldn't it?

Q Did he live in Mississippi or Alabama in 1830 and have a family there at that time? A I don't know.

Q Did he ever live in Mississippi at any time during his life?

A I guess he did, but I don't know, because I never heard them say.

Q You don't know whether he had a family there in 1830 or any time?

A I don't know.

Q Could he speak the Choctaw language? A I can't tell you that; I guess he did.

Q Did you ever hear that he did? A No sir. I never heard anything about him.

Q How much Choctaw blood did he have? A I can't tell you that either; the older people know it but I don't.

Q You claim through your mother, don't you, Lula P. Hearte? A Yes sir.

Q And she claimed through which parent? A Her father.

Q What was his name? A James F. Petty.

Q Did he ever live in Mississippi or Alabama? A He lived in Mississippi.

Q Is he living now? A No sir.

Q When did he die? A I don't know.

Q Where was he buried? A In Texas I believe, I don't know.

Q How old would he be if living now? A I don't know that either.

Q You don't know whether he would have been living in 1830?

A No sir; I don't think he would.

Q He claimed through which parent? A His mother, Mary Petty.

Q What was her maiden name? A Tubb.

Q Did Mary Petty whose maiden name was Tubb ever live in Mississippi or Alabama? A I guess so; I don't know.

Q Have you ever been informed by any member of the family that she lived in Mississippi or Alabama? A Mother told me she lived in Mississippi.

Q Was she born in Mississippi? A I don't know.

Q Do you know whether she died there? A No sir, I don't.

Q Do you know whether she spoke the Choctaw language? A No sir.

Q Did she ever own any land in Mississippi or Alabama? A I don't know.

Q Do you know whether she lived in Mississippi in 1830? A I don't know.

Q She claimed through which parent? A Her father, Nlisha Tubb.

Q That is your ancestor, is it? A Yes sir.

Q Can you tell anything about his father and mother? A No sir.

Q Now, did any of your Choctaw ancestors ever own any improvements on land in Mississippi or Alabama in 1830? A I don't know.

Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian agent, Col. Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the State? A I don't know.

Q Did any of your Choctaw ancestors go from the old Choctaw Nation to the Choctaw Nation, Indian Territory between 1833 to 1838? A I don't know.

Q Did any of them own lands in Mississippi or Alabama or claim any under the fourteenth article of the treaty of 1830? A I don't know.

Q Did any of them own or claim any land or any benefits under any other article of the treaty of 1830 than article fourteen or under the supplement to that treaty? A I don't know.

Q Did you ever hear that any of your Choctaw ancestors claimed any benefits as Choctaw Indians under any treaty between the United States and the Choctaw Indians other than the treaty of 1830? A Never heard them say anything about it.

The Choctaw Indians who stayed in the State of Mississippi, that is the old Choctaw Nation, after the treaty of 1830 was ratified, refusing to go to the Choctaw Nation, Indian Territory with the other Indians under any of the provisions of that treaty were required under article fourteen of the treaty of 1830, if they wanted to take advantage of the provisions of that article to go to the United States Indian agent, Col. Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States; a good many Indians did this and their names should have been placed upon lists made by Col. Ward, the Indian agent. But his list, known as Ward's Register, contains the names of only seventy six heads of families and there were probably hundreds, if not thousands of Indians who went to him within the time limited in article fourteen and made the claims and statements required under that article. His neglect to make a proper and full list of the names of all claimants who came before him pursuant to that article of that treaty caused many Indians who held land in Mississippi upon which they had improvements to lose them; they were taken away from them by the Government and sold at Public Land Sale. This caused so many complaints among the Choctaw Indians that in 1837 by Act of Congress approved March 3, 1837, a Commission was appointed by Congress which went to Mississippi and heard claimants under article fourteen of the treaty of 1830; in 1842 another Commission was appointed and approved August 23, 1842, for the same purpose, and this Commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830; both Commissions made lists of all the Indians who appeared before them.

Q Did any of your Choctaw ancestors go before either the Commission of 1837 or that of 1842 and claim benefits under article fourteen of that treaty? A I don't know anything about them.

The Act of Congress approved August 23, 1842, provided that if any Choctaw Indian proved his claim under article fourteen of the

Banding rabbit Creek if it further appeared that he had had also land taken from him in Mississippi by the Government and sold that he should be entitled to select land in either Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant Government land and that certificates to that effect should be given to him; these certificates were called scrip.

Q Did any of your Choctaw ancestors receive any such scrip from the Government as Choctaw Indians? A I don't know anything about that.

Q Now, give me the names of some of your relatives who have appeared here for identification as Mississippi Choctaws, all claiming through Elisha Tubb as a common ancestor? A Well, there's a lot of them; I don't know the names of any of them; I just know what Mama gave me.

Q Call the names of those just as they were given to you?

A Lafayette Ikard, William Ikard, Milton Ikard, Elisha Ikard; Caleb Tubb, Lucius Tubb, Webster Tubb, James Tubb; Mrs. Terry, Mollie Sawyer--.

Q And others you don't recollect? A Yes sir. They all claim through the Tubb.

Q Do they all claim through Elisha Tubb as a common ancestor?

A I think they do.

Q Do you want to have their testimony taken into consideration with your when yours is considered? A Yes sir.

Q Have you any documentary evidence or other proper evidence you want to present now in support of this claim? A Yes sir.-- No sir.

(On request of Mr. DeGraffinried, counsel for applicant, a reasonable time is allowed to this applicant in which to furnish proper evidence and testimony under the rules as laid down by the Commission for the introduction of testimony).

Q You don't speak the Choctaw language? A No sir.

Q Is there anything further you want to say in support of this claim? A No sir.

This applicant has the appearance of being descended from white parentage; blue eyes, light complexion, auburn hair; she has no knowledge of the Choctaw language and no knowledge of the compliance on the part of her ancestors with the provisions of the fourteenth article of the treaty of 1830.

-1-1-1-1-1-

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on January 23, 1902/ and that the above and foregoing is a full, true and cor-

rest transcript of his stenographic notes in said cause on said date.

Henry S. Haine

Subscribed and sworn to before me this 23rd day of January, 1902.

Charles Mitchell Wood

Notary Public.

M O R 4553

Muskogee, Indian Territory, March 27, 1903.

Gornella Tackett,

Admore, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your affidavit and that
of the attending physician, Wm. A. Heartsill, relative to the
birth of your infant son, Jacob Wesley Tackett, October 19, 1902,
and the same have been filed with the records of the Commission.

Respectfully,

Chairman.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 4553

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, April 20, 1903.

**Cornella Tackett,
Armore, Indian Territory.**

You are hereby advised that on the 20th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lafayette E. Ikard, et al., embracing the following applications for identification as Mississippi Choctaws:

Lafayette E. Ikard, et al.	M. C. R. 762
Elisha W. Petty, et al.	M. C. R. 5142
Lula P. Hearde, et al.	M. C. R. 4334
Cornella Tackett, et al.	M. C. R. 4553
Anna Patterson, et al.	M. C. R. 4647
Eula Grayson Hodges	M. C. R. 5141
Coleta E. Lanier, et al.	M. C. R. 5945
Earnest V. Grayson	M. C. R. 5944
Alfred M. Petty	M. C. R. 5123
Sam H. Petty, et al.	M. C. R. 5143
Elisha Petty	M. C. R. 5704
James R. Petty, et al.	M. C. R. 5706
Fannie Baggett	M. C. R. 5708
Shellburn Petty, et al.	M. C. R. 5707
Samantha E. Terry, et al.	M. C. R. 4336
Robert E. Terry	M. C. R. 4339
Thomas R. Terry	M. C. R. 5437
Edward L. Terry	M. C. R. 5441
Kate Terry	M. C. R. 5439
Henry H. Terry, Jr.,	M. C. R. 5440
James D. Reed, et al.	M. C. R. 4341
Charlie C. Reed	M. C. R. 5943
David Reed, et al.	M. C. R. 4342
George A. Tubb, et al.	M. C. R. 4337
George W. Moore, et al.	M. C. R. 5916
Ellen O. Tullis, et al.	M. C. R. 5921
Jesse M. Watson, et al.	M. C. R. 5754
Cordelia S. Sheppard	M. C. R. 5920
Fannie Sewell	M. C. R. 5224
William E. Sewell	M. C. R. 5236
James E. Sewell	M. C. R. 5222
Fannie E. Wilson, et al.	M. C. R. 5227
John A. Moore, et al.	M. C. R. 5235

Mattie E. King, et al.	M. C. R. 5727
Amma Wamble, et al.	M. C. R. 5438
Hugh S. Moore, et al.	M. C. R. 5729
George H. Moore	M. C. R. 5730
Fannie B. Waltrip	M. C. R. 5728
Marcellus Moore, et al.	M. C. R. 5221
Itylene Posey, et al.	M. C. R. 5226
Irene Burleson, et al.	M. C. R. 5225
Benjamin F. Moore, et al.	M. C. R. 5231
John H. Moore	M. C. R. 5233
George W. Moore	M. C. R. 5234
Frank E. Moore	M. C. R. 5232
Ula Rebecca Moore	M. C. R. 5230
Lydia J. Singleton, et al.	M. C. R. 5135
Alice M. Godfrey, et al.	M. C. R. 5229
Lee O. Moore, et al.	M. C. R. 5137
Sallie W. Roberts, et al.	M. C. R. 5228
George Newton Whipple, et al.	M. C. R. 5223
Annie G. Wilson, et al.	M. C. R. 5919
William Alexander Moore	M. C. R. 5906
Richard P. Moore	M. C. R. 5925
Lydia A. Sheppard	M. C. R. 5918
Robert Lee Moore, et al.	M. C. R. 5922
John A. Moore, et al.	M. C. R. 5923
Glen M. Robinson	M. C. R. 5924
Ida Robinson, et al.	M. C. R. 5917
Aylmer Moore, et al.	M. C. R. 5705
Lydia E. Moore	M. C. R. 5709
Fannie Adella Moore	M. C. R. 5710
Jane A. Moore	M. C. R. 5711
William G. Tubb, et al.	M. C. R. 5712
Belle Ikard	M. C. R. 765
Robert E. Ikard	M. C. R. 4458
Willie May Ikard	M. C. R. 4459
Elisha F. Ikard	M. C. R. 779
John M. Ikard, et al.	M. C. R. 457
Eugene F. Ikard, et al.	M. C. R. 776
Suewillie Ikard Camuse	M. C. R. 784
Cleo Ikard Harris, et al.	M. C. R. 781
Lucile Ikard	M. C. R. 786
William S. Ikard, et al.	M. C. R. 5718
Milton Ikard, et al.	M. C. R. 767
William E. Ikard, et al.	M. C. R. 760
Ella Harris, et al.	M. C. R. 4894
Sallie E. Johnson	M. C. R. 5237
Thomas J. Cole, et al.	M. C. R. 5075
Jennie O. Hipp, et al.	M. C. R. 5134

William E. Stainback	M. C. R. 4831
Thomas G. Cole, et al.	M. C. R. 5074
Alma Cole Speer, et al.	M. C. R. 5140
Clyde Orr	M. C. R. 5139
Lu Blakeney, et al.	M. C. R. 5138
Beulah D. Herrin	M. C. R. 5238
Caleb G. Tubb, et al.	M. C. R. 4338
Mattie A. Tubb Johnson	M. C. R. 4333
James F. Tubb, et al.	M. C. R. 4340
Daniel W. Tubb	M. C. R. 4343
Lucius J. Tubb, et al.	M. C. R. 4344
Mary I. Sawyer, et al.	M. C. R. 4332
William F. Pendleton, et al.	M. C. R. 6314
Jesse C. Pendleton, et al.	M. C. R. 6315
Caswell A. Reynolds	M. C. R. 6316
Tucker R. Tierce	M. C. R. 6317
Louie T. Pendleton, et al.	M. C. R. 6318
Julius Watson, et al.	M. C. R. 6319
George R. Pendleton, et al.	M. C. R. 6350
Cornelia Pendleton, et al.	M. C. R. 6447
Jennie Alvina Ball, et al.	M. C. R. 6448
Clara Baggett	M. C. R. 6484
John D. Tubb, et al.	M. C. R. 6485
Aaron Moore, et al.	M. C. R. 6501

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lafayette E. Ikard, Floyd Ikard, Sul Ross Ikard, Mildred L. Ikard, Elisha W. Petty, Ruby E. Petty, Blanche Petty, Robert Lee Petty, Lula P. Hearte, Hattie C. Hearte, Mamie E. Hearte, Oliver Kenton Hearte, Ludora Hearte, Cornella Tackett, Attie Tackett, Ethalama Tackett, Anna Patterson, George Patterson, Eula Grayson Hodges, Coleta E. Lanier, Guy Vernon Lanier, Elmo E. Lanier, Herndon G. Lanier, Earnest V. Grayson, Alfred M. Petty, Campbell C. Petty, Columbus A. Petty, Bertha O. Petty, Luther A. Petty, Artie M. Petty, Troy O. Petty, Finis E. Petty, Jesse C. Petty, Sam H. Petty, Earl C. Petty, Valla Petty, Elisha Petty, James R. Petty, Lee Petty, R. Curtis Petty, Herman Petty, Eula Petty, Sidney Petty, Fannie Baggett, Shellburn Petty, Janie Petty, Claudie Petty, Samantha E. Terry, Eva

R. Terry, Wentworth H. Terry, Mary H. Terry, Robert E. Terry, Thomas R. Terry, Edward L. Terry, Kate Terry, Henry H. Terry Jr., James D. Reed, Frank R. Reed, Herbert D. Reed, Charlie C. Reed, David Reed, Thomas N. Reed, Katie Reed, George A. Tubb, Wade T. Tubb, Aline Tubb, Helen Tubb, Willie C. Tubb, George A. Tubb (Jr.), Albert Tubb, George W. Moore, Lucile Moore, Ellen O. Tullis, John T. Tullis Jr., Susie Tullis, Jesse M. Watson, Bessie Flora Watson, Cordelia S. Sheppard, Fannie Sewell, William E. Sewell, James E. Sewell, Fannie E. Wilson, Johnnie Love Wilson, Mary Gladys Wilson, Ruby May Wilson, John A. Moore, Richard H. Moore, Maggie Lee Moore, Annie Moore, Homer Moore, Beatrice Moore, Mattie E. King, Kenyon Roberta King, Amma Wamble, Hazel W. Wamble, Maggie Lou Wamble, Sammie L. Wamble, Hugh S. Moore, Orville Moore, John A. Moore, Freda L. Moore, George H. Moore, Fannie B. Waltrip, Marcellus Moore, Mattie Kate Moore, Deborah Moore, Octavia Moore, Ross Moore, Mayne Moore, Metzy Moore, Annie May Moore, Graham Moore, Iylene Posey, Herman Posey, Gerald Posey, Earl Posey, Irene Burleson, R. D. Burleson, Benjamin F. Moore, Volney Moore, Charley B. Moore, Maggie May Moore, Fannie Lee Moore, John H. Moore, George W. Moore, Frank E. Moore, Ula Rebecca Moore, Lydia J. Singleton, Albert O. Singleton, John Singleton, Fannie Inez Singleton, Lenora Jane Singleton, Erwin Edward Singleton, Reba Singleton, Alice Godfrey, William Penn Godfrey, Ralph Duncan Godfrey, Clotee Godfrey, Lee O. Moore, Hayden Moore, Annie Lee Moore, Gordon Moore, Lydia May Moore, L. O. Moore, Sallie W. Roberts, Savola Roberts, George Newton Whipple, Lydia Ella Whipple, Annie G. Wilson, Willie C. Wilson, Preston Wilson, Lucy Wilson, Isaac A. Wilson, William Alexander Moore, Richard P. Moore, Lydia A. Sheppard, Robert Lee Moore, Robert Lee Moore, Jr., John A. Moore, John Walter Moore, Glen M. Robinson, Ida Robinson, Ella Robinson, Mary Robinson, Josie Robinson, Hilton Robinson, Aylmer Moore, Minnie E. Moore, Lydia E. Moore, Fannie Adella Moore, Jane A. Moore, William G. Tubb, Aubrey E. Tubb, Bessie K. Tubb, Belle Ikard, Robert E. Ikard, Willie May Ikard, Elisha F. Ikard, John M. Ikard, Edwina M. Ikard, William G. Ikard, John Amzie Ikard, Eugene F. Ikard, Robertson Ikard, Suewillie Ikard Camuse, Cleo Ikard Harris, Albertine Harris, Lucile Ikard, William S. Ikard Kate M. Ikard, Lewis Ikard, Emma J. Ikard, Mary F. Ikard, Lee Davis Ikard, Sallie L. Ikard, Milton Ikard, Milton Ikard, Jr., Floyd Ikard, Nellie Ikard, L. Roe Ikard, Ethel Ikard, Myrta Webb, William E. Ikard, Ian Douglass Ikard, Bettie Joe Ikard, Ella Harris, Cyrus Yates Harris, Olla Harris, Bettie Booker Harris, Sallie E. Johnson, Thomas J. Cole, Thomas C. Cole, Davella Cole, Anson T. Cole, Margurite Cole, Cathrine Cole, Jennie O. Hipp, Thomas W. Hipp, William E. Stainback, Thomas G. Cole, Elisha T. Cole, Samuel Cole, Grover Cole, Alma Cole Speer, Elizabeth Speer, Mary Louise Speer, Clyde Orr, Lu Blakeney, Vernon Cole Blakeney, Tommie Blakeney, Beulah D. Herrin, Caleb G. Tubb, Luther J. Tubb, Lulan Tubb, Romy Cape Tubb, Mattie A. Tubb Johnson, James F. Tubb, Jesse L. Tubb, Mary E. Tubb, George H. Tubb, William J. Tubb, Daniel W. Tubb, Lucius J. Tubb, Luther T. Tubb, George W. Tubb, Mary I. Sawyer, Helen Lee Sawyer, William F. Pendleton, Leroy Pendleton, Jesse C. Pendleton, Beatrice I. Pendleton, Gladys R. Pendleton, Caswell A. Reynolds, Tucker R. Tierce, Louie T. Pendleton, Ruth L. Pendleton, Julius Watson, Amy C. Watson, George R. Pendleton, George Arthur Pendleton, Cornelia Pendleton, Ernest Pendleton, Earl Pendleton, Homer Pendleton, Jennie Alvina Ball, Horace E. Ball, Blanche M. Ball, Earl L. Ball, Clara Baggett, John D. Tubb, William G. Tubb, jr., Aaron Moore, Duncan Moore, Hallie Moore and Ruth Moore as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

—5—

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tame Dixby.

Chairman.

Registered.

M.C.R. 4553

Muskogee, Indian Territory, May 1, 1905.

Cornella Tackett,

Ardmore, Indian Territory,

Dear Sir:

You are hereby notified that on the 19th day of April, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lafayette E. Ikard et al., of which decision you were advised by registered mail on the 20th day of April, 1903.

Respectfully,

Chairman.

4553

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW of
Infant Child,

Jacob Wesley Tackett
as a citizen of the
FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW Nation.

Approved, 190

COMMISSIONER.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

MAR 27 1903

[Signature]

CHIEF

Department of the Interior.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the _____ Nation,
of Jacob Wesley Tackett, born on the 19 day of October, 1902.
(Here insert name of child)
Name of Father: Wm Albert Tackett, a citizen of the Choctaw Nation.
Name of Mother: Cornella A Tackett, a citizen of the Choctaw Nation.
Postoffice, Ardmore, Indian Territory

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, }
Southern District. }

I, Cornella A Tackett, on oath state that I am Twenty seven
years of age and a citizen, by _____, of the Choctaw Nation;
that I am the lawful wife of Wm Albert Tackett, who is a citizen, by
_____, of the Choctaw Nation; that a Male child was
(male or female)
born to me on the 19 day of October, 1902; that said child has been named
Jacob Wesley Tackett, and is now living.
WITNESSES TO MARK: Cornella A. Tackett.

(Must be Two
Witnesses.) }

Subscribed and sworn to before me this 20th day of March, 1903.

J. R. Box
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, }
State of Mississippi, }
County of Parker District. }

I, Wm A. Heartsill, a Physician, on oath state that I
attended on Mrs. Cornella A Tackett, wife of Wm Albert Tackett,
on the 19 day of October, 1902; that there was born to her on said
date a Male child; that said child is now living and is said to have been named
(male or female)
Jacob Wesley

WITNESSES TO MARK: Wm A Heartsill, M.D.

(Must be Two
Witnesses.) }

Subscribed and sworn to before me this 17th day of March, 1903.

my Commission Expires June 1st 1903 J. A. Wythe
NOTARY PUBLIC.

1453

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW of
Infant Child,

Jacob Wesley Tackett
as a citizen of the
FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW Nation.

Approved, 190

COMMISSIONER.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

MAR 27 1903

[Signature]

No. 4535

For Identification as a Mississippi Choctaw

Date JAN. 23 1902

Name Cornella Tackett,

Age 26

Blood $\frac{1}{32}$

Post Office, Weatherford, Texas

Father: J. K. Hearte, l

Mother: Lula P. Hearte, l

Claims through mother —
husband.

William A. Tackett, l. w.
No claim for husband

Children:

Attie Tackett, F. 5

Ethelma " F. 19 m.

Claims for self &
children

A. G. Hain

Choctaw MCR 4554

Vester Pearson

See MCR 4557, 4555

MCR 4554

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---0---

In the matter of the application of Vester Pearson, et al.,
for identification as Mississippi Choctaws, consolidating the appli-
cations of-

Vester Pearson, et al	M.C.R. 4554
Henry Burton, et al	" 4555
James H. Scott, et al	" 4557

List of papers forwarded to the Secretary of the Interior
comprising the record in the consolidated case
of Vester Pearson, et al.

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DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---0---

In the matter of the application of Vester Pearson, et al.,
for identification as Mississippi Choctaws, consolidating the appli-
cations of-

Vester Pearson, et al	M.C.R. 4554
Henry Burtin, et al	" 4555
James H. Scott, et al	" 4557

---PRECISION---

It appears from the record herein that applications for
identification as Mississippi Choctaws were made to this Commission
by Vester Pearson for herself and her two minor children, Annie and
Euna Pearson; by Henry Burtin for himself and his minor child, Lillie
Burtin, and by James H. Scott for himself, his wife Florence Scott,
and his two minor children, James and Mona Scott, under the following
provision of the act of Congress approved June 28, 1898 (30 Stats.
485):

"Said Commission shall have authority to determine
the identity of Choctaw Indians claiming rights in the Choctaw
lands under article fourteen of the treaty between the United
States and the Choctaw Nation, concluded September twenty-seventh
eighteen hundred and thirty-two to that end and may administer
oaths, examine witnesses and perform all other acts necessary
therein and make report to the Secretary of the Interior."

(2)

It also appears that all of said applicants, except Florence Scott, claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one John Harper, who is alleged to have been a three-quarter blood Choctaw Indian and to have resided in Mississippi in eighteen hundred and thirty, and the said Florence Scott claims said rights by reason of being a descendant of one Jack Red, who is alleged to have been a three-quarter blood Choctaw Indian and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that no one of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a court of the United States court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stat. 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said John Harper or Jack Red, or any of the applicants herein, signified (in person or by proxy)

(3)

to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said Article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Vester Pearson, Annie Pearson, Emma Pearson, Henry Burtin, Lillie Burtin, James H. Scott, Florence Scott, James Scott and Mona Scott, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said Article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

ACTING CHAIRMAN

Commissioners.

Muskogee, Indian Territory,
JUL 14 1902

4554

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, January 20th, 1902.

In the matter of the application of Vester Pearson for the identification of herself and two minor children, Annie and Emma Pearson, as Mississippi Choctaws.

Said Vester Pearson, being first duly sworn, testified as follows:-

J.E. Arnold, attorney for applicant.

Examination by the Commission.

Q What is your name? A Vester Pearson.
Q How old are you? A I was born the second year after the surrender.
Q What month were you born in? A I don't know.
Q Then you would be about thirty-four or thirty-five years old?
A Yes sir.
Q How much Choctaw blood have you? A My grandmother was a whole Choctaw.
Q Is that your mother's mother? A No sir, my father's mother.
Q She was a full blood Choctaw? A Yes sir.
Q Did your father's father have any Choctaw blood? A I don't know sir.
Q Did your mother have any Choctaw blood? A Yes sir.
Q Your mother? A No sir, she didn't have any Choctaw blood.
Q That would make you a quarter, then-if your father was a half and your mother was a full blood? A Yes.
Q What is your postoffice address? A Heidelberg, Mississippi.
Q What County is Heidelberg in? A In Jasper.
Q How long have you lived in Jasper County? A I don't know how long it has been.
Q Have you lived there all your life? A No sir.
Q Where were you born? A In Choctaw County, Alabama.
Q How long did you live there? A Well, I was brought away from there six years ago.
Q Where were you taken? A I stayed in Choctaw until I was eighteen and then I was brought to Mississippi.
Q What County? A Jasper.
Q And you have lived there ever since? A Yes sir.
Q Is your father living? A Yes sir.
Q What is his name? A Henry Burton.
Q Is your mother living? A No sir.
Q What was her name? A Margaret.
Q Through which one of your parents did you get your Choctaw blood, your father or mother? A Father.
Q Your mother had no Choctaw blood then? A No sir.
Q Was she a slave? A Yes.
Q Was your father a slave? A No sir, not as I know of.
Q Haven't you heard that he was a slave? A No sir, I haven't heard it.
Q But you did hear that your mother was? A Yes sir.
Q Where does your father live now? A He stays in Mississippi.
Q Where? A Clarke County.
Q Has he ever been before this Commission? A No sir.
Q You claim that he is one half Choctaw blood-do you? A Yes sir.
Q And the other half is negro? A I don't know, sir, about the negro.

Vester Pearson et al---2

Q Don't you know that part of your blood is negro? A Yes sir.
Q How long has your father lived in the State of Mississippi? A I don't know, sir.
Q Where was he born? A I don't know, sir.
Q You don't know how long he has lived in this State? A No sir.
Q Do you know the name of your father's father? A No sir, I don't remember him.
Q Do you know the name of your father's mother? A Arin.
Q Arin what? A That's all I know.
Q Did you ever see her? A I saw her when I was small.
Q Do you remember her? A Yes.
Q Where did she live when you saw her? A In Choctaw County, Alabama.
Q Was she a slave during slavery days? A I don't remember.
Q Didn't you ever hear whether she was or not? A No sir, I never heard.
Q How much Choctaw blood did she have? A She was whole.
Q Do you mean by that she was a full blood Choctaw? A Yes sir.
Q How did you find that out? A I heard my father say so.
Q Did she speak or understand the Choctaw language? A I don't know, sir.
Q Did she have any other name? A That is the earliest name I know.
Q Do you know the name of her father? A No sir.
Q Or her mother? A No sir, I never did see them.
Q You don't know the name of either of them? A No sir.
Q How old would your father's mother be if she were living now?
A I don't know, sir.
Q About how old? A I don't know-I couldn't tell you.
Q How old is your father? A I don't know how old he is.
Q Have you any idea how old your father is? A No sir, I haven't any idea.
Q Are you married? A I have been married, my husband is dead.
Q Have you been married just once? A Yes sir, just once.
Q What was your husband's name? A George Pearson.
Q He had no Choctaw blood? A No sir.
Q Have you any children living? A Yes sir.
Q How many? A Two girls.
Q What are their names? A Emma Emma, that is the youngest one.
Q What is the name of the oldest? A Annie.
Q How old is Annie? A She is about thirteen years old.
Q How old is Emma? A About ten.
Q Are these children both living with you at this time? A Yes sir.
Q Are these children the children of yourself and George Pearson? A Yes sir.
Q This application then is for yourself and two minor children, is that right? A Yes sir.
Q Is your name or the name of either of your children to be found upon any of the Choctaw Tribal rolls in Indian Territory? A I don't know whether they are or not.
Q Did you ever make application to the Choctaw Tribal authorities in Indian Territory for yourself or either of these children to be admitted or enrolled as members of the Tribe? A No sir, this is the first time.
Q This is the first application of any kind that you have ever made? A Yes sir.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and two minor children under the provisions of article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.

Vester Pearson et al--3

Q Do you understand article 14 of the treaty of Dancing Rabbit Creek? A No sir.

Q Do you know what a treaty is? A Nosir.

A treaty is a contract or agreement made between nations. This treaty of Dancing Rabbit Creek was an agreement made between the United States Government and the Choctaw Tribe of Indians. It was made here in Mississippi on the 27th day of September, 1830. The object of this treaty was to get these Indians to move from the country where they lived here in Mississippi and Alabama out west of the Mississippi River to a new country part of which is now occupied by the greater portion of the Choctaw Tribe of Indians and is commonly known as the Choctaw Nation Indian Territory. At the time the treaty was made some of the Choctaws were unwilling to remove out west of the Mississippi River, so for the benefit of those who wanted to stay here what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who preferred to stay here in Mississippi might receive land here in Mississippi from the Government of the United States. We are talking, you understand, about a time 71 years ago and over. The 14th article of the treaty is as follows:-

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of the States, for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservations shall include the present improvement of the head of the family or a portion of it. Persons claiming under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q That is the 14th article of the treaty of Dancing Rabbit Creek-do you understand that? A Yes sir.

Q Did any of your ancestors ever comply or attempt to comply with the provisions of this 14th article or ever receive any benefits under the 14th article-ancestors means old folks-your forefathers?

A I don't know.

Q Were any of your ancestors living here in the old Choctaw Nation in Mississippi and Alabama when this treaty was made-71 years ago?

A Yes sir.

Q What one of your ancestors was living here then-71 years ago-do you know? A My grandmother.

Vester Pearson et al---4

Q What was her name? A Arin.

Q Where did she live in 1830 when this treaty was made? A She stayed in Choctaw County.

Q Alabama? A Yes sir.

Q Are you sure of that? A Yes sir.

Q That was 35 or 36 years before you were born-you understand that don't you? A I don't know anything about that.

Q Then, you don't know whether any of your ancestors were living here in 1830? A No sir, that was before I was born.

Q Did any of your ancestors own an improvement here in the old Choctaw Nation in Mississippi and Alabama at that time? A I don't know anything about that.

Q Were any of them recognized members of the Choctaw Tribe of Indians? A I don't know nothing about that.

Q Did any of your ancestors remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A No sir they did not.

Q Did any of your Choctaw ancestors within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here in Mississippi and become citizens of the States and take land? A I don't know anything about it.

Q Did any of them ever claim or receive any land here in Mississippi from the Government under this 14th article of the treaty of Dancing Rabbit Creek? A I don't know, sir.

Q Did any of them ever get any land under any treaty provision that you know of? A No sir, not as I know of.

Q Did any of them ever get any money from the Government? A No sir, not as I know of.

Q Were any of them ever recognized members of the Choctaw Tribe of Indians? A I don't know.

Q Did any of them ever live in Indian Territory? A I don't know anything about it.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this Agent failed to register and report to the Government the names of many Choctaws who did in fact let him know that they wanted to stay here and become citizens of the States and take land. On this account the Government at its public land sales here in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under article 14 of the treaty of Dancing Rabbit Creek. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed an act which was approved the 3rd day of March, 1837, providing for the appointment of a Commission to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land

Vester Pearson et al---5

had been sold by the Government. This Commission was duly appointed by the President of the United States and the Commissioners came down here to Mississippi in the latter part of the thirties and heard a few of these cases but in the time allowed them by the act of Congress under which they were appointed and a later act of Congress approved the 22nd day of February, 1838, providing for the continuance of this Commission, they were unable to hear but a comparatively small number of these cases. It therefore became necessary for Congress to make further provision whereby the remainder of these Indians might be given hearings. So another act was passed which was approved the 23rd day of August, 1842, providing for the appointment of another Commission to come down here to Mississippi and finish up the hearing of these cases. This Commission was duly appointed by the President of the United States and the Commissioners came down here to Mississippi and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before either of these Commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A I don't know anything about that.

The act of Congress approved the 23rd day of August, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to select, in lieu thereof, land elsewhere in Mississippi, or in Alabama, Louisiana or Arkansas, from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any of this scrip from the Government of the United States under this act of Congress? A If they did I don't know anything about it.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits under that article? A No sir, I don't know of anyone.

Q Have you any witnesses here today? A My brother.

Q Your brother is here as an applicant, is he not? A Yes sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before the Commission here at Meridian at any time between now and the 15th of next month or within a reasonable time thereafter at the general office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Are there any further statements you desire to make at this time

Vester Pearson et al---6

in support of your application? A No.
Q Have you any brothers living? A Yes sir.
Q How many brothers? A Three.
Q What are their names? A Henry, Scott and Jordan.
Q Have you any other brothers living? A No sir.
Q Have you any sisters living? A Yes sir.
Q How many? A I has two living.
Q What are their names? A One of them is out home and the other is down in Choctaw.
Q What are their names? A Rosetta Burtin.
Q Is she married? A Yes sir.
Q What is her husband's name? A Milton Portice.
Q What is the name of your other sister? A Rilla.
Q Is she married? A She wasn't married the last time I heard from her. It has been several years since I heard from her. I don't know whether she is living or dead.
Q Have you any brothers or sisters dead that you know of? A No sir.
Q Do these brothers of yours all go by the name of Burtin? A Yes sir.
Q Has your father any brothers or sisters living? A My father got a sister living.
Q What is her name? A Jane.
Q What is her other name? A That's all I know.
Q Where does Jane live? A She lives with my father.
Q Is she a full sister of your father? A Yes sir.
Q Is she married? A She has been married.
Q What was her husband's name? A I don't know, sir-I forgot it.
Q Did you know him? A Yes sir.
Q Has Jane any children? A Yes sir.
Q How many? A Two.
Q What are their names? A Charlie.
Q Charlie what? A Charlie Clark-I remember now that Clark was the name of my father's sister's husband.
Q What is the name of the other of these children? A I don't remember her. She has been away from home a good while.

This applicant has the features, facial expression and the color of a negro, though her hair is rather inclined to be straight, indicating that she is possessed of a small proportion of either white or Indian blood. She does not speak or understand the Choctaw language.

Ira B. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, January 20th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Ira B. Niles
Subscribed and sworn to before me this the 25th day of January, 1902,

Vester Pearson et al-->7

at Meridian, Mississippi.

L. R. Massey,
Clerk U. S. Circuit Court, Southern
District of Mississippi.

By *[Signature]* Deputy.

COPY.

M C R 4884

Washoe, Indian Territory, July 14, 1902.

Vester Pearson,
Heidelberg, Mississippi.

Dear Madam:

You are hereby advised that on the 14th day of July 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Vester Pearson, et al., embracing the following applications for identification as Mississippi Choctaws:

Vester Pearson, et al.,	M C R 4884
Henry Martin, et al.,	" 4885
James H. Scott, et al.,	" 4887

These applications were made under the provisions of the act of Congress of June 28, 1898 (30 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article 8 of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Vester Pearson, Annie Pearson, Rosa Pearson, Henry Martin, Lillie

V P 50

Burtin, James H. Scott, Florence Scott, James Scott and Fern Scott
as Cheetaw Indians entitled to rights in the Cheetaw lands under
the provisions of said article fourteen of the treaty of 1830, and
that the applications for their identification as such should be
refused, and it is so ordered."

You are further advised that the Commission has on this
date forwarded the record in this case to the Secretary of the
Interior for review and you will be informed in due time of such
action as may be taken by him.

Yours truly,

(SIGNED)

James B. Burtin

Acting Chairman.

Registered.

COPY.

M C R 4554

Muskogee, Indian Territory, July 14, 1902.

Manfield, McHurray & Cornish,
Attorneys Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 14th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Vester Pearson, et al., embracing the following applications for identification as Mississippi Choctaws:

Vester Pearson, et al.,	M C R 4554
Henry Burtin, et al.,	" 4555
James H. Scott, et al.,	" 4557

These applications were made under the provisions of the act of Congress of June 23, 1892 (25 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior".

Said decision concludes as follows:

M B M & C 78

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Vester Pearson, Annie Pearson, Emma Pearson, Henry Durtin, Lillie Durtin, James H. Scott, Florence Scott, James Scott and Emma Scott as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

James P. Dixon,
Acting Chairman.

COPY.

M C R 4554

Muskogee, Indian Territory, July 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Vester Pearson, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of July 14, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

Vester Pearson, et al.,	M C R 4554
Henry Burton, et al.,	" 4556
James H. Scott, et al.,	" 4557

The Commission has the honor to report that the principal applicants in the several separate applications, their attorneys of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED)

James Bixby
Acting Chairman.

Through the Commissioner
of Indian Affairs.
1 enclosure.

C O P Y .

DEPARTMENT OF THE INTERIOR.

Land
42358-1902.

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, August 23, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith a report made July 14, 1902, by the Acting Chairman of the Commission to the Five Civilized Tribes forwarding for the Department's consideration the record in the matter of the application of Vester Pearson, et al., for identification as Mississippi Choctaws claiming rights in the Choctaw lands under the provisions of the fourteenth article of the treaty of 1830.

Vester Pearson applies for the identification of herself and her minor children Annie and Emma; Henry Burtin applies for the identification of himself and child Lillie; and James H. Scott applies for the identification of himself, his wife Florence, and their two children James and Mena.

In an undated decision the Commission held that the above named parties were not entitled to identification as Mississippi Choctaws.

The principal applicant in this case attempts to trace descent from John Harper, and Arin (or Eran), her paternal Grandmother.

John Harper was the grandfather of Vester Pearson.

All of the applicants except Florence Scott claim descent from the parties above named.

An examination of the records of this office fails to show that anyone by the name of John Harper, Arin or Bran, complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830, or that they applied to the Commissions appointed under the Acts of March 3, 1837 and August 23, 1842, for an adjudication of their rights as Choctaw Indians.

Florence Scott claims descent from her father, Peter Gray, and from her grandfather, Jack Red. Peter Gray's wife was named Rita, and both he and his wife, the record shows, were slaves. A person by the name of Lucy (other name not given) was Peter Gray's mother, and was therefore the grandmother of Florence Scott.

The records of this office show that Jack, otherwise known as Onalubbee, was the child of Emitchatubbee, and that he was under ten years of age in 1830; also that his father was given scrip in lieu of land for himself and his children, as follows: Ha-may-oh-lubbee, Anoneta, Yacatona, Neahitoma, Ataihoma and Jack or Onalubbee.

The records also show that Lucy, last name not given, was the mother of Tennessee, Jimmie and Peter, and that she and her children were rejected and did not receive land or scrip in lieu thereof.

-3-

It is recommended that the decision of the Commission rejecting all of the applicants except Florence Scott, and her children James and Mona, be approved; and that the case be remanded to the Commission with instructions to determine, if possible, whether Jack or Onalabee is the son of Florence Scott. It cannot be determined from the record as it now exists.

Very Respectfully,

Your obedient servant,

A. C. Tanner,

Acting Commissioner.

GAV
D

3 inclosures.

C O P Y

D.C. No 14776-1902.

52682

BAF

DEPARTMENT OF THE INTERIOR.

ITD.5364-1902.
LRS.

WASHINGTON.

September 3, 1902

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

With letter of July 14, 1902, you transmitted the record and your decision in the matter of the applications of Vester Pearson and others for identification as Mississippi Choctaws. You refused the applications.

Applicant Florence Scott claims descent from one Jack Red. Forwarding the papers August 23, 1902, the Acting Commissioner of Indian Affairs states that the records of the Indian Office show that "Jack, otherwise known as Onalubbee, was the child of Enaitcha-tubbee, and that he was under ten years of age in 1830; also that his father was given scrip in lieu of land for himself and his children, whom he names. He recommends that the case be remanded to you with instructions to determine, if possible, whether said Jack of Onalubbee was an ancestor of Florence Scott herein.

Concurring in said recommendation, the record is returned, with request that action be taken accordingly. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

Thos Ryan, Acting Secy

Inclosures.

COMMISSIONERS:
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M C R 4554

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

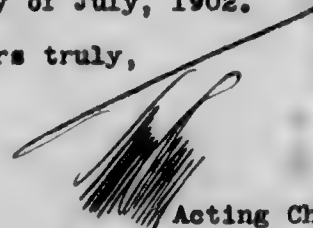
Muskogee, Indian Territory, September 13, 1902 .

Vester Pearson,
Heidelberg, Mississippi.

Dear Madam:

You are hereby advised that on the 3rd day of September, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Vester Pearson, et al., of which decision you were advised by registered mail on the 14th day of July, 1902.

Yours truly,



Acting Chairman.

DEPARTMENT OF THE INTERIOR

G.H.

WASHINGTON January 16, 1906.

LJB

D.C. 3098-1905.
I.T.D. 3384-1902.
376-1905.

IRS.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

July 14, 1902, the Commission transmitted the record in the consolidated applications of Vester Pearson et al., M.C.R. 4554 et al., for identification as Mississippi Choctaws, including your decision attached thereto, without date, denying to the applicants, Vester Pearson, Annie Pearson, Emma Pearson, Henry Burton, Lillie Burton, James H. Scott, Florence Scott, James Scott, and Noma Scott, the right to be identified as Mississippi Choctaws.

September 3, 1902, the Department remanded the record in order that further testimony might be taken on behalf of applicant Florence Scott.

July 3, 1903, the Commission transmitted the record with the additional evidence taken in the case.

January 12, 1906, the Acting Commissioner reporting in the matter recommended that your decision adverse to the applicants be affirmed. A copy of said letter is inclosed.

The Department concurring in said recommendation, hereby affirms your decision.

Respectfully,
THOS. RYAN
Adm.

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS

WASHINGTON January 12, 1905.

Land.
42358-1902.
52682-1902.
43330-1903.

(Copy)

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to supplemental report of the Commission to the Five Civilized Tribes, of July 8, 1903, in the matter of the consolidated Mississippi Choctaw case of Vester Pearson, for herself and two minor children, Annie and Emma Pearson, by Henry Burtin, for himself and his minor child, Lillie Burtin; and by James H. Scott, for himself, his wife, Florence Scott, and his two minor children, James and Mera Scott; wherein they claim rights to identification as Mississippi Choctaw Indians.

All of the applicants, except Florence Scott, claim rights under Article 14 of the Treaty between the United States and the Choctaw Nation concluded in 1830, by reason of being descendants of John Harper, who is alleged to have been a $3/4$ blood Choctaw Indian, and to have resided in Mississippi in 1830. Florence Scott, claims rights by reason of being a descendant of one Jack Red, who is alleged to have been a $3/4$ Choctaw Indian and to have resided in Mississippi in 1830, and Lucy, his wife, who is claimed to have been a $1/2$ blood Choctaw Indian.

(2)

The case was examined in this office, and on August 23, 1902, it was reported that John Harper did not appear as a beneficiary under the Choctaw Treaty of 1830, but as to the claim in behalf of Florence Scott, and her daughter, Mona, the name of a beneficiary who received scrip appears on the records of the office named Jack or Onalubbee.

On September 3, 1902, by letter I.T.D. 5364-1902, the case was remanded by the Department for further investigation.

The applicants, Florence Scott and Mona, her daughter, present in support of their claim depositions of Anderson Morgan, taken at Lumberton, Pearl River County, Mississippi, upon the 11th day of February 1903, of Miranda Arrington, taken at the same time and place. The depositions were taken with the aid of typewritten interrogatories prepared in advance and read to the witnesses. In a number of the interrogatories the words "Jack Red or Onalubbee" appear, and when these were propounded to the witnesses, they testified that they did know Jack Red or Onalubbee; that he resided in Clarke County, Mississippi, where they knew him; that he was a 3/4 blood Choctaw Indian; that he was the grandfather of Florence Scott; and that his wife Lucy, was also a Choctaw Indian of the 1/2 blood. They only knew him through a period of years, but as to where he lived before they knew him, as to his age, as to who were the other members of his family, his father, mother, brothers and sisters they had no knowledge, nor as to whether he had any brother or sisters at all,--their knowledge of him being merely as to his name,

(3)

as to his being an ancestor of the applicant, his being of Choctaw blood, and their having known him for a period of years.

The "Jack" referred to in the letter of this office was known as "Onalubbee," and as "Onatubbee." He was a small child under ten years of age in 1830. At that time he, with the members of his family, his father being Enaitchatubbee, were residents of Leake County, Mississippi, a considerable distance from Clarke County, where the ancestor of these applicants lived. The family were still residing at the same place in 1838. The "Jack" who received scrip was a full blood Choctaw. These applicants claim their ancestor was only 3/4 blood.

The names John and Jackson, of which "Jack" is a nickname or corruption, was quite common among the Choctaws. In the families who applied for scrip or land the following persons of the name of Jackson appear:

Jackson, son of Ho-ba-tiah-dubee, who died in childhood without issue;
Jackson, son of Gus-sah-tick-lah, a resident of northwest township of Leake County;
Jackson, son of I-ohh-la, a resident of Section 17, township 11 north, range 8 east, Leake County Mississippi;
Jackson, son of Ma-ka-lona, a resident of the southeast quarter of Section 8, township 11 north, range 8 east, Leake County; and
Jackson, son of Gunna-moon-tubbee, a resident of the southeast quarter of Section 4, township 11 north, range 8 east, Madison County.

Scrip was issued in behalf of all these persons, except the last one named.

Among the members of families applying for scrip, there was

(4)

the following named John:

John, son of Nok-o-an-tubbee, a resident of Section 26, township 12, north, range 13 east, Washoba County;

Johnny, son of Ok-II-ah, a resident of Section 18, township 4 north, range 11 east, Jasper County;

Johnny, son of Po-tubbee, a resident of Section 6, township 5 north, range 8 east, Scott County;

John, son of Bah-pissah, resident of Section 31 township 21 north, range 1 west, Sumpter County, Alabama;

John, son of Ah-fah-mo-ah, a resident of the north-west quarter of Section 27, township 11 north, range 6 east, Leake County, Mississippi;

John, son of Pah-hah-cho, a resident of Section 4, township 11 north, range 8 east, Madison County;

John, son of Hi-e-an-tonah, a resident of Section 2, township 2 north, range 10 east, Jasper County.

Aside from these, the following Choctaws were transported west by the United States Government subsequent to 1838, --four Jacks, 12 Jacksons, and 20 Johns.

I presume the descriptive appendage to the name of the ancestor "Red"--making his name "Jack Red," could have been with equal truth and accuracy of description applied to all of these persons of the name of John, Jack or Jackson. The witnesses and witnesses in this case very apparently did not know of the Choctaw name of the ancestor --"Onalubbee," until it appeared in the written questions in the depositions. None of the Johns or Jacks or Jacksons, who received either land or scrip under the 14th Article of the Choctaw Treaty, were residents of Clarke County. One, the son of Hi-e-an-tonah, resided in an adjoining county, Jasper, but he and his family were denied land or scrip by the representatives of the Government.

(5)

The Commission makes no mention of a claim by the applicant Florence Scott to a Choctaw ancestor named "Lucy" but an investigation has been made as to her name also. In the letter of this office, upon which the record in this case was returned, mention was made of a Lucy who was an applicant for land under the 14th Article, she being the mother of Tennessee, Jimmie, and Peter. All the facts relative to that Lucy were set out in the Jim Gift case, which was recently decided by the Department. She was a resident of Sumpter County, Alabama, but both she and her three descendants have been shown to have had such a history as to preclude the possibility of her being in any way related to these applicants.

There were other Lucys, members of families, who applied for land or scrip as follows:

- Lucy, daughter of H-o-cutch-ah, a resident in 1830, of Section 35, township 9 north, range 7, east, Leake County, Mississippi.
- Lucy, daughter of Phe-lin-tah, a resident of Section 23, township 6 north, range 13 east, Newton County; and
- Lucy, daughter of Yim-ma-chubbee, a resident of Section 29, township 23 north, range 8 east, Calhoun County.

There was scrip issued in behalf of the two Lucys first mentioned and the claim of Yim-ma-chubbee, in behalf of himself and his family, was rejected.

As will be seen, none of these persons were residents of Clarke County, Mississippi, where the ancestor of Florence Scott is said to have resided.

(6)

The applicants are largely of negro blood. In fact, from the record it must be concluded that the Indian or white blood, if any there be, has practically reached the vanishing point.

The original proof in the case, together with the supplemental proof furnished in the form of depositions, does not satisfactorily establish the descent of Florence Scott, and her daughter Mona, from a beneficiary or beneficiaries on the 14th Article of the Choctaw Treaty of 1830, and I therefore recommend that the original decision of the Commission rejecting all the applicants be approved.

Copy of the deposition in the matter of the application of Emlahatubbee is inclosed.

Very Respectfully,

E. B. H.
L. C.

C. F. Larrabee,
Acting Commissioner.

COPY:

M.G.R. 4557

Winkgees, Indian Territory, January 27, 1905.

James H. Scott,

Lumberton, Mississippi,

Dear Sir:

You are hereby notified that on the 16th day of January, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the application for the identification as Mississippi Choctaws of your wife, Florence Scott, and children, James and Nora Scott, included in the consolidated case of Vester Pearson et al., of which decision you were advised by registered mail on the 14th day of July, 1902.

Respectfully,

EDWARD

James B. Bixby

Chairman.



*William
H. Skene*



Vester Pearson,

Heidelberg,

Mississippi.

Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

354
234

4534



SEP 20 1902

#1646

No.

4554

For Identification as a Mississippi Choctaw.
Meridian, Miss.

JAN 20 1902

Date
Name Vester Pearson

Age 34

Blood 1/4

Post Office

Heidelberg, Miss.

Father

Henry Burton

L

Mother

Margaret

"

d

Claims through

father

husband

George Pearson

S

(no Choctaw blood)

(Wife of George Pearson's children)

Children:

Annie Pearson

13

Emma

"

10

Stenographer

J. S. Niles

Choctaw MCR 4555

Henry Burtin

See MCR 4554

MCR 4555

455-5

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, January 20, 1902.

In the matter of the application of Henry Burtin for the identification of himself and one minor child, Lillie, as "Mississippi Choctaws. (J.E. Arnold, Attorney for applicants.)

Henry Burtin, having been first duly sworn, upon his oath testified as follows:

Examination by the Commission.

Q What is your name? A Henry Burtin.
Q How old are you? A I was born in 1880.
Q Thirty one? A Yes.
Q What month in '90? A February.
Q How much Choctaw blood have you? A Well, sir, I don't know, exactly; my grand father was said to be 3/4, and my grand mother was half.
Q Well, what do you claim? A About one quarter.
Q What's your post office address? A Heidelberg.
Q What county? A Jasper.
Q How long have you lived in Jasper County? A I have lived there two years.
Q Where did you live before that? A I lived in Clark County, Mississippi.
Q How long? A Well, I left Choctaw when I was fourteen.
Q Choctaw County, Alabama? A Yes, sir.
Q Went to Clark County? A Yes, sir.
Q And stayed there until you moved to Jasper two years ago? A Yes, sir.
Q Is your father living? A Yes, sir.
Q What's his name? A Henry Burtin.
Q Is your mother living? A Yes, sir.
Q What's her name? A Margaret.
Q Through which one of your parents do you get your Choctaw blood?
A Through my mother.
Q How much Choctaw blood has she? A Well, I don't know, sir.
Q She would be a half if you are a quarter, wouldn't she? A Well, you just figure it out.
Q Well, she would be a half if you are a quarter? A Yes, sir.
Q Do you speak or understand the Choctaw language? A No, sir.
Q Does she? A Well, I don't know, sir; no, sir, I don't think she can.
Q Where does she live? A In Alabama.
Q What county? A I don't know, sir, exactly; I haven't seen her in a long time, and I haven't been in there where she is; I don't know what county she is in, but she is in Alabama now.
Q Your father has no Choctaw blood? A No, sir.
Q Has your mother ever been before the Commission? A I don't know, whether she has or not.
Q How long since you have seen her? A I don't know, sir, exactly, but when I was a little fellow.
Q You are sure that she has Choctaw blood, at least, a half? A That what they tell me.

Henry Burtin, et al., 2.

Q Who told you that? A The older people - that is, what know her said her grand father - my grand father - has 3/4.
Q What was his name? A John Harper.
Q What was your mother's father? A Yes, sir.
Q Is he living? A No, sir.
Q How long has he been dead? A I don't know, sir.
Q Did you ever see him? A No, sir.
Q Where did he live? A In Choctaw Alabama.
Q Your mother and father were both slaves, were they not? A I don't know, sir.
Q Is your mother, and the mother of Vester Pearson the same person? A Yes, sir.
Q Don't you know that both of your parents were slaves? A Yes, I guess they were slaves.
Q Now, John Harper was a slave too? A I don't know, sir.
Q How old would John Harper be if he were living now? A I don't know, sir.
Q How old is your mother? A I don't know.
Q What is the name of your mother's mother? A Bran.
Q What other name did she have? A I don't know, sir; that was just all I heard.
Q How much Choctaw blood did she have? A Well, she were half.
Q Did you ever see her? A No, sir.
Q Don't know anything about her? A No, sir.
Q Never seen her at all? A No, sir.
Q Did she or John Harper, either of them, speak the Choctaw language? A I don't know, sir.
Q Do you know how old she would be if she were living now? A No, sir.
Q Was she a slave? A I don't know, sir.
Q Do you know the name of her father, or her mother? A No, sir.
Q Or John Harper's father or his mother? A No, sir.
Q Are you married? A Yes, sir.
Q Wife living? A Yes, sir.
Q What's her name? A Louvina.
Q Has she any Choctaw blood? A No, sir.
Q You make no claim for her then? A No, sir.
Q Have you been married more than once? A Yes, sir.
Q How many times? A Twice.
Q Your first wife living? A No, sir, she's dead.
Q How long had she been dead when you married the second time?
A She died in 1892.
Q Has your present wife been married more than once? A No, sir.
Q Have you any children? A I have got one.
Q What's the name of that child? A Lillie.
Q How old is she? A She is six years old.
Q Is she living with you now? A Yes, sir.
Q What's the name of her mother? A Mary Jane.
Q Was she your first wife? A No, sir.
Q Were you ever married to her? A No, sir.
Q What's her last name? A She is Mary Jane - she is married now - she is Mary Jane Nicholson.
Q Has she any Choctaw blood? A No, sir.
Q Did you and Mary Jane Nicholson ever live together as man and wife? A No, sir.
Q How long has this child, which you claim to have had by her, been living with you? A She's been living with me about three years.

Henry Burtin, et al., 3.

Q Have you any children by either of your wives? A Yes, sir, had two by my first wife, but they are dead, and by my last wife but they are dead.

Q This application is for yourself and one minor child? A Yes, sir.

Q Is your name to be found upon any of the Choctaw tribal rolls in Indian Territory? A I don't know, sir.

Q Did you ever make application to the Choctaw tribal authorities in Indian Territory to be admitted or enrolled as a member of that tribe? A No, sir.

Q Have you ever made any application of any description before today for yourself or this child? A No, sir.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under the provisions of article 14 of the treaty of Dancing Rabbit Creek? A Yes, sir.

Q Do you understand that 14th article of the treaty of Dancing Rabbit Creek? A No, sir.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, a part of which is now occupied by the greater portion of the Choctaw tribe of Indians, and is commonly known as the Choctaw Nation, Indian Territory. At the time this treaty was made, some of the Indians were unwilling to move from this country to the new country west of the Mississippi River, and for the benefit of those who wanted to stay here what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who preferred to stay here in Mississippi might stay here and receive land from the Government. The 14th article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the

Henry Burtin, et al., 4.

family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity.*

Q That's the 14th article of the treaty of Dancing Rabbit Creek; do you understand that now? A Yes, sir, I heard what you said; part of it, I can't understand all of it.

Well, as I stated to you, this 14th article was put in the treaty of Dancing Rabbit Creek, over seventy one years ago, here in Mississippi, when the treaty was made. The 14th article was put in there for the benefit of those Choctaw Indians living here seventy one years ago, who did want to stay here in Mississippi and not move out to the new nation. Under that 14th article, if a Choctaw wanted to stay here and take land, he must let the agent of the Government here in Mississippi, within six months after the treaty of Dancing Rabbit Creek was ratified, that is, six months from February 24, 1831 - he must have let the agent know that he wanted to stay here and become a citizen of the States and take land, then he was entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey, and he was also entitled to a reservation of three hundred and twenty acres of land for each child he had in his family over ten years of age, and to one hundred and sixty acres of land for each child in his family under ten years of age, to adjoin the location of the parents - these children's land. If they lived on that land for five years from February 24, 1831, the day the treaty was ratified, in that case, they would be entitled to a grant in fee simple; that is, the land would be given to them, and the Indian would dispose of it at his pleasure. The 14th article further said that any any Indian who stayed here and took advantage of that article should not lose the privilege of a Choctaw citizen on account of his having done so, but if he ever moved, that is, if he ever went out west to the new nation, should not be entitled to any portion of the Choctaw annuity. The Choctaw annuity is money paid to the Choctaws each year under treaty stipulations.

Q Now, did any of your ancestors ever comply or attempt to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek? A Not as I know of.

Q Were any of them living here in the old Choctaw Nation, in Mississippi and Alabama, in the year 1830, when this treaty was made?

A John Harper.

Q That was your mother's father? A Yes, sir.

Q You think he was living here seventy one years ago? A Yes, sir, I think he was.

Q Well, wasn't he a slave at that time? A I don't know, sir.

Q Do you know where he was living at that time? A No, sir.

Henry Burtin, et al., 5.

Q You don't know, then, whether he owned an improvement here at that time, or not? A No, sir.

Q Was he a recognized member of the Choctaw tribe of Indians then? A I don't know, sir.

Q Did he remove from the old Choctaw Nation, here in Mississippi and Alabama, to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians, between the years 1833 and 1838? A I don't know, sir.

Q Did he, within six months after the treaty of Dancing Rabbit Creek was ~~made~~ ratified, let the agent of the Government here in Mississippi know he wanted to stay here in Mississippi and become a citizen of the States? A I don't know, sir.

Q Did any other of your ancestors do that? A Not as I know of.

Q Did any of your ancestors ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A Not as I know of.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under any other article of that treaty, or under the supplement to that treaty? A I don't know, sir.

Q Did any of your ancestors ever get any land here from the Government? A No, sir, not as I know of.

Q Or any money from the Government? A Not as I know of.

Q Were any of them ever recognized members of the Choctaw tribe of Indians? A Not as I know of.

Q Any of them ever live in Indian Territory? A I don't know, sir.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this agent failed to register and report to the Government the names of many Choctaws who did in fact let him know that they wanted to stay here and become citizens of the States and take land, and on this account, the Government at its public land sales here in Mississippi in many instances sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under article 14 of the treaty of Dancing Rabbit Creek. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed an Act which was approved on the third day of March, 1837, providing for the appointment of a commission to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. This commission was duly appointed by the President of the United States and the Commissioners came down here to Mississippi and heard a few of these Choctaw cases, but in the time allowed them by the Act of Congress under which they were appointed, and a later Act of Congress which was approved on the 22nd day of February

Henry Burtin, et al., 6.

1838, providing for the continuance of this commission, they were unable to dispose of but a comparatively small number of cases. It, therefore, became necessary for Congress to make further provisions by which the remainder of these Indians might be given hearings, so another Act was passed which was approved on the 23rd day of August, 1842, providing for the appointment of another commission to come down here and finish up this work. This commission was duly appointed by the President of the United States and the commissioners came down here to Mississippi in the forties and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before either of these Commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A I don't know, sir.

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government, he should be entitled to select in lieu thereof, land elsewhere in Mississippi, or Louisiana, or Alabama, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any of this scrip from the Government of the United States under this Act of Congress?

A I don't know, sir.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, sir, I don't know.

Q Have you any witnesses here to-day? A No, sir, none but my brother there; he is out there.

Q What's his name? A James Scott.

Q Full brother of yours? A No, sir.

Q Half brother? A Yes, sir.

Q Same mother? A Yes, sir.

Q Well, he is here as an applicant then? A Yes, sir.

Q Have you any other witnesses? A No, sir.

Q

If you should find any witnesses whose testimony you desire to have taken before the Commission, they may appear before us here at Meridian, Mississippi, before the 15th of next month, or within a reasonable time thereafter at the General Office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Are there any further statements you desire to make at this time?

A No, sir.

Q How many brothers have you living? A I have got two half brothers.

Henry Burton, et al., v.

Q What are their names? A James Scott and George Parish.
Q George Parish has the same mother as you? A Yes, sir.
Q Have you any sisters living? A Yes, sir.
Q How many? A The one that was here yesterday, Vester Pearson and Rosetta Portis.
Q Where does she live, Rosetta? A She lives in Clark County, Mississippi.
Q Has she been before the Commission? A No, sir.
Q You have no other sisters? A No, sir.
Q Rosetta's mother and your mother the same? A Yes, sir.
Q And Vester is a full sister of yours? A Yes, sir.
Q Are any of your mother's brothers or sisters, or any of their children living? A I don't know, sir; I don't know of none.
Q Any of your father's brothers or sisters living? A Yes, sir.
Q How many? A One sister.
Q What's her name? A Jane Clark.
Q She has no Choctaw blood? A I don't know whether she has or not.
Q Is she a full sister of your father? A I don't know, sir, whether she is or not.
Q

(This applicant has the appearance of being a negro, and shows no indication of being possessed of Indian blood. Special reference is hereby made to the testimony of his full sister, Vester Pearson, given at the time of making application before the Commission on the 20th day of January, 1902, in which she stated that she got her Indian blood through her father, Henry Burton. This applicant claims to be a full sister of Vester Pearson, but he swears that he derived his Indian blood through his mother.)

R. S. Straff, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 20th day of January, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

Subscribed and sworn to before me at Meridian, Mississippi, this 25th day of January, 1902.

L. B. Mosley
Clerk U.S. Circuit Court,
Southern District of Mississippi,

By *[Signature]*

Deputy.

COPY.

H C R 4557

Muskogee, Indian Territory, July 14, 1903.

Henry Martin,

Helmsburg, Mississippi.

Dear Sir:

You are hereby advised that on the 14th day of July 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Vester Pearson, et al., embracing the following applications for identification as Mississippi Choctaws:

Vester Pearson, et al.,	H C R 4554
Henry Martin, et al.,	" 4555
James H. Scott, et al.,	" 4557

These applications were made under the provisions of the act of Congress of June 29, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under Article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Vester Pearson, Annie Pearson, Emma Pearson, Henry Martin, Willie

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Acting Chairman.

SECRET

M C R 4555

Muskogee, Indian Territory, September 13, 1902.

Henry Burtin,

Heidelberg, Mississippi.

Dear Sir:

You are hereby advised that on the 3rd day of September, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Vester Pearson, et al., of which decision you were advised by registered mail on the 14th day of July, 1902.

Yours truly,

(Signed) TAME BIXBY.

Acting Chairman.

#1647

No. 4555

For Identification as a Mississippi Choctaw.
Meridian, Miss.

Date JAN 21 1902

Name Henry Burtin

Age 31 Blood 1/4

Post Office, Heidelberg, Miss.

Father: Henry Burtin L

Mother: Margaret " L

Claims through mother
wife Louvinia Burtin L
No claim for wife.

(Claims for self and one child.)

Children:

Lillie Burtin 6
Mother Mary Jane Nicholson L
(no claim for her.)

Father of Margaret = John Harper d
Mother " " = Eran d

Choctaw MCR 4556

Warren H. Jordan

MCR 4556

REPORT OF THE SECRETARY
OF THE INTERIOR
RELATIVE TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Warren H. Jordan for
identification of a historical document, to-wit:

List of papers forwarded to the Secretary of the Interior comprising
the record in the case of Warren H. Jordan.

Approved: _____
Special Agent in Charge

4556

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, January 21, 1902.

In the matter of the application of Warren H. Jordan for
identification as a Mississippi Choctaw.

Warren H. Jordan, having been first duly sworn, upon his
oath testified as follows: J.E. Arnold, Attorney for Applicant.

Examination by the Commission.

Q What is your name? A Warren H. Jordan.
Q How old are you? A Twenty three years old.
Q How much Choctaw blood have you? A One quarter.
Q What is your post office address? A Lumberton, Mississippi.
Q How long have you lived at Lumberton? A Been there something
like two years now.
Q Where did you live before that? A In Amite County.
Q What town? A Magnolia.
Q How long did you live in that county? A I lived there until
I came to Lumberton; I lived there about twenty one years I guess.
Q Is your father living? A No, sir.
Q What was his name? A Napoleon Jordan.
Q Is your mother living? A No, sir.
Q What was her name? A Mary.
Q Through which one of your parents do you get your Choctaw blood?
A Father.
Q Were your father and mother lawfully married? A Yes, sir.
Q Have you any evidence of that fact? A Not with me, but I can
get evidence.

You will be allowed a reasonable time in which to prove
the marriage of your father and mother.

Q How long has your father been dead? A Father died when I was
nine years old.
Q Was he a slave? A I don't know, sir; I reckon so.
Q You claim he was a half blood Choctaw? A Yes, sir.
Q Did he always live in Mississippi? A Well, no, sir; Mississippi
was not his home.
Q Where did he live? A He was born in Choctaw County, Alabama, and
moved down to Mississippi.
Q When did he move to Mississippi? A I don't know.
Q How old would he be if he were living now? A I don't know.
Q Did he speak or understand the Choctaw language? A Not to my
knowledge.
Q Yes, sir.
Q Through which one of his parents did he get his Choctaw blood?
A His mother. A His mother, as he said.
Q What was her name? A Mary.
Q Was she a slave? A I don't know, sir; I reckon so.
Q Where did she live? A She lived in Choctaw County, I guess.
Q Did she ever see him? A No, sir.

Warren H. Jordan, Jr.

- Q Did she have a Choctaw name? A If Patsy had a Choctaw, I don't know.
- Q Did she speak or understand the Choctaw language? A I don't know her; I don't know whether she did or not.
- Q You claim she was a full blood Choctaw? A Yes, sir, according to judgment I have of my father.
- Q What was your father's father's name? A Name Lige.
- Q What other name did he have? A I don't know; that's the only name I ever heard him speak about.
- Q Do you know the name of either one of Patsy's parents? A No, sir.
- Q How old would she be if she were living now? A Well, I don't know, sir.
- Q Are you married? A No, sir.
- Q Ever been married? A No, sir.
- Q This application, then, is for yourself only? A Yes, sir.
- Q Is your name on any of the Choctaw tribal rolls in Indian Territory? A No, sir, not as I know of.
- Q Did you ever make application to the Choctaw tribal authorities to be admitted or enrolled as a member of that tribe? A No, sir.
- Q Did you ever make any application of any kind before to-day?
- A No, sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under article 14 of the treaty of Dancing Rabbit Creek? A Yes, sir.
- Q Do you understand that 14th article of the treaty of Dancing Rabbit Creek? A No, sir.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of this treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, a part of which is now occupied by the greater portion of the Choctaw tribe of Indians, and is commonly known as the Choctaw Nation, Indian Territory. At the time this treaty was made, some of the Choctaws were unwilling to leave this country, and for the benefit of those who wanted to stay here what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions, a Choctaw who lived here in Mississippi and preferred to stay here might receive land here from the Government. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years

Warren H. Jordan, 3.

of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you think you understand that 14th article of the treaty of Dancing Rabbit Creek? A Well, no sir, I guess not.

Q

Well, in case a Choctaw who might have been living here seventy one years ago, when this treaty was made, desired to stay here and take land, he was entitled to do so under that 14th article. But, in order to secure a reservation, he was required under that 14th article to let the agent of the Government here in Mississippi know that he wanted to stay here within six months after the treaty was ratified; the treaty was ratified on the 24th day of February, 1831. He would thereupon have been entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner he would be entitled to one-half that quantity for each unmarried child which was living with him at the date of the treaty, over ten years of age, and a quarter section for such child as might be under ten years of age, these reservations to adjoin the location of the parent, and the reservations must include the improvement of the parent as it existed on the 27th day of September, 1830, the day the treaty was made. Now, after these reservations were made, the Choctaw was required to live on the land for five years from February 24, 1831, the day the treaty was ratified, and if he did that, at the end of that time he was entitled to a deed or patent from the Government, giving him the land. But that 14th article provided further that persons who claimed under that article, that is, who stayed here in Mississippi and took land under that article, should not, by reason of their having done so, lose the privilege of a Choctaw citizen, but if they ever removed, that is, if they ever went out west to the new nation, they should not be entitled to any portion of the Choctaw annuity. The Choctaw annuity is money paid each year to the Choctaws under treaty stipulations.

Q Did any of your ancestors ever comply or attempt to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek?

A I don't, knew, sir.

Q Were any of them living here in the old Choctaw Nation, in Mississippi and Alabama, in the year 1830, when this treaty was made? A Any of my fore parents?

Q Yes, sir; any of your ancestors, or fore parents, that was seventy one years ago; do you know about that? A I don't know anything about

Warren H. Jordan, 4.

that; I suppose they were.

Q Did any of them own an improvement here at that time? A Not to my knowing.

Q As a matter of fact, at that time all of your ancestors were slaves, weren't they? A I guess so, I don't know.

Q Did any of your ancestors remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838?

A Not to my knowing.

Q Did any of them let the agent of the Government here in Mississippi for the Choctaws know within six months after the treaty of Dancing Rabbit Creek was ratified, that they wanted to stay here in Mississippi and become citizens of the States and take land?

A I don't know, sir.

Q Did any of them ever claim or receive any land here in Mississippi from the Government under article 14 of the treaty of Dancing Rabbit Creek? A I don't know, sir.

Q Any of them ever claim or receive any land here in Mississippi from the Government under any other article of that treaty or under the supplement to that treaty? A Not to my knowing. I don't know any of my fore-parents, any person but my father.

Q So far as you know did any of your ancestors ever receive any benefits as Choctaw Indians? A Not to my knowing.

Q Were any of them ever recognized members of the Choctaw tribe of Indians? A Not to my knowing.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here in Mississippi and take land and become citizens of the States. The records of the Government show that this agent failed to register and report to the Government the names of many Indians who did in fact let him know that they wanted to stay here and become citizens of the States and take land, and on this account, the Government at its public land sales here in Mississippi in many instances sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under article 14 of the treaty of Dancing Rabbit Creek. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed an Act which was approved on the third day of March, 1837 providing for the appointment of a commission to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. The commission was duly appointed by the President of the United States and the commissioners came down here to Mississippi and heard a few of these Choctaw cases, but in the time allowed them by the Act of Congress under which they were appointed and a later Act of Congress which was approved on the 22nd day of February, 1838, providing for the continuance of the commission, they

Warren H. Jordan, 5.

were unable to dispose of but a comparatively small number of these cases. It, therefore became necessary for Congress to make further provisions by which the remainder of these Indians might be given hearings, so another Act was passed which was approved on the 23rd day of August, 1842, providing for the appointment of another commission to come down here to Mississippi and finish up the hearing of these Choctaw cases. This commission was duly appointed by the President of the United States, and the commissioners came down here to Mississippi and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before either of these commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A I don't know, sir/

The Act of Congress approved August, 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in lieu thereof, land elsewhere in Mississippi, or Alabama, Louisiana, or Arkansas, from vacant Government land, and that he should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any of this scrip from the Government of the United States under this Act of Congress?

A Not to my knowing.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, sir, I don't know of any one.

Q Have you any witnesses here to-day? A No, sir.

If you should find any witnesses whose testimony you desire to have taken by the Commission, they may appear before the Commission here in Meridian, Mississippi, before the 15th of next month, or within a reasonable time thereafter at the General office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Have you any brothers or sisters living? A Yes, sir.

Q How many? A I have five brothers living. Two half brothers and three whole brothers.

Q Half brothers have the same father as you? A Yes, sir.

Q What are the names of your full brothers? A One was named Charley and one was named Elijah and one was named Alex.

Q Are they living now? A Yes, sir.

Warren H. Jordan, c.

Q Where do they live? A Elijah lives in some parts of Mississippi, up in the Mississippi bottoms, I don't know exactly what is his town; Charley lives at Brook Haven, and so does Alex.
Q Have you any sisters living? A Yes, sir.
Q How many? A Two whole sisters, and five half sisters.
Q What are the names of your whole sisters? A Louisa Williams.
Q What is the other one's name? A Sister Jordan.
Q She is not married? A No, sir.
Q Have any of your brothers or sisters been before the Commission?
A No, sir.

(This applicant has the appearance of being a negro, and shows no indication of being possessed of Indian blood. He does not speak or understand the Choctaw language.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 21st day of January, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. S. Streit

Subscribed and sworn to before me at Meridian, Mississippi, this 25th day of January, 1902.

L. B. Mosley
Clerk U.S. Circuit Court,
Southern District of Mississippi.

By *[Signature]*

Deputy.

COPY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

By the order of the Commission of Warren E. Jordan for
Investigation and Recommendation, January 11, 1956.

1980

It appears from the above records that application for
naturalization as a citizen of the United States was made by said applicant
on January 7, 1908, under the following conditions:
The fee of \$2.00 was received from him on June 10, 1908.

These documents will have priority in obtaining the information necessary for the investigation of the above named subject and his activities in the United States and in the foreign countries. The information obtained from these documents will be used for the purpose of identifying the subject and his associates and for the purpose of obtaining all other data necessary for the investigation of the subject and his associates.

It also appears that said Applicant claims rights in the trademarks under section thirteen of the treaty between the United States and the Mexican Nation, concluded September thirteenth, nineteen hundred and thirty, by virtue of being a constituent

of one Patsy, who is alleged to have been a full blood Choctaw Indian.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission, that said applicant has never been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stat., 521).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Patsy, or ancestors less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stat., 180) and August 23, 1842 (5 Stat., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Warren E. Jordan as a Choctaw Indian entitled to rights in the Choctaw

-3-

lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for his identification as such should be refused, and it is so ordered.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES,

(SIGNED)

Tams Bixby.

Acting Chairman.

(SIGNED)

T. B. Needles.

Commissioner.

(SIGNED)

C. R. Brookinridge.

Commissioner.

McKee, Indian Territory,

DEC 6 1902

M.O.R.4556

COP.

Muskogee, Indian Territory, December 6, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Sir:

You are hereby advised that on the 6th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Warren H. Jordan, an applicant for identification as a Mississippi Choctaw.

This application was made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Warren H. Jordan as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for his identification as such should be refused, and it is so ordered."

You are further advised that the applicant in this case has been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

James Bixby.

Acting Chairman.

M.C.R.4556

COPY.
Muskogee, Indian Territory, December 6, 1902.

Warren H. Jordan,

*Remailed 4/25/03 to Brookhaven, Miss.
Lumberton, Mississippi.*

Dear Sir:-

You are hereby advised that on the 6th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Warren H. Jordan, an applicant for identification as a Mississippi Choctaw.

This application was made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to, that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Warren H. Jordan as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for his identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this

W. H. J., 2.

office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

LEWIS BLOOM
Acting Chairman

Registered.

Muskogee, Indian Territory, December 22, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Warren H. Jordan, an applicant to the Commission for identification as a Mississippi Choctaw, including the decision of the Commission of December 8, 1902.

The Commission has the honor to report that the applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

SIGNED:

Jane Dixby
Acting Chairman

Through the

Commissioner of Indian Affairs.

Eno. M.C.R. 4586.

COPY.

DEPARTMENT OF THE INTERIOR.
OFFICE OF INDIAN AFFAIRS.
WASHINGTON.

March 2, 1903.

Land
76233--1902.

The Honorable,
The Secretary of the Interior.

Sir:

There is transmitted, herewith, for your consideration, the record of the Commission to the Five Civilized Tribes, in the matter of the application of Warren H. Jordan, for identification as a Mississippi Choctaw, claiming rights as such under the provisions of the 14th article of the Choctaw treaty of 1830.

The testimony in this case shows that the applicant bases his claim to identification on his descent from one Patsy, who it is alleged was a Choctaw Indian, and a resident in the Choctaw Nation in Mississippi, at the time of the making of the treaty of 1830, through B. Napoleon Jordan, her son.

The Commission rejected the applicant December 6, 1902, because the name of their ancestor through whom they claim does not appear among those who complied or attempted to comply with the provisions of the 14th article of the treaty of 1830; and for the additional reason that the applicant had never been enrolled as a citizen of the Choctaw Nation.

An examination of the records of this office has been made in reference to the name of Patsy, and it is discovered that there was a Patsy, child under 10 years of age, of Manatubbee, an applicant for scrip who was rejected. The evidence herein is insufficient to establish the identity of the Patsy through whom the applicants claim with the Patsy that appears on our records, but as this is the only Patsy found, it is recommended that the decision of the Commission rejecting the applicant be approved.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

C.T.C.(E.)

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

RAY.

D.C. 8992
ITH. 2540-1903.

March 27, 1903.

LRS.

Commission to the Five Civilized Tribes,
Muskogee, I.T.

Gentlemen:

December 22, 1902, you transmitted the record in the matter of the application for identification of Warren H. Jordon as a Mississippi Choctaw, including your decision of December 6, 1902, refusing the application.

The applicant claims rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being a descendant of one Patsy, alleged to have been a full blood Choctaw Indian.

The records fail to show that the applicant was ever admitted or enrolled as a citizen of the Choctaw Nation, or that said Patsy or an ancestor lawfully complied or attempted to comply with said article 14 or with either of the acts of March 3, 1867 (6 Stat., 180), and August 23, 1842 (5 Stat., 513).

Reporting March 2, 1903, the Acting Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

The Department has carefully reviewed the whole
record, and hereby affirms your decision.

Respectfully,

(signed)

THOS RYAN

1 inclosure.

Acting Secretary.

M. C. R. 4556

COPY:

Muskogee, Indian Territory, April 6, 1903.

Warren H. Jordan,
Lumberton, Mississippi.

Dear Sir:

You are hereby notified that on the 27th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing your application for identification as a Mississippi Choctaw of which decision you were advised by registered mail on the 6th day of December, 1902.

Respectfully,

(SIGNED)

C. R. Breckinridge
Commissioner in Charge.

M C R. 4556

COPY.

Muskogee, Indian Territory, April 6, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 27th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as a Mississippi Choctaw of Warren H. Jordan, of which decision you were advised by mail on the 6th day of December, 1902.

Respectfully,

(SIGNED)

C. R. Breckinridge.

~~Commissioner in Charge.~~

M O R 4556

Muskogee, Indian Territory, April 25, 1903.

Warren H. Jordan,
Brookhaven, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 17th instant, relative to the decision of the Commission refusing your application for identification as a Mississippi Choctaw. You state that you did not receive the registered letter of the Commission, dated December 6, 1902, notifying you of the refusal of your application, and ask "Why was it refused?"

In reply to your letter you are informed that it appears from our records that you made application to this Commission for identification as a Mississippi Choctaw. On December 6, 1902, the Commission rendered its decision refusing your application, and on the same day you were notified by registered mail at Brookhaven, Mississippi, your last known post office address, of the action of the Commission, and that you would be allowed fifteen days from the date of said decision within which to furnish evidence in support of your claim to be forwarded to the Secretary of the Interior.

The fifteen days from December 6, 1902, heretofore granted in this case, expired on December 21, 1902. On December 22, 1902, the record in your case, together with the decision of the Commission refusing your application, was forwarded to the Secre-

V E J 2

tary of the Interior. On March 27, 1903, the Secretary of the Interior approved the decision of the Commission refusing your application, and the Commission now considers your case closed.

The Commission requires of applicants for identification as Mississippi Choctaws that they not only show that they are possessed of Choctaw blood but that they must also show that they are descendants of Choctaw ancestors who resided in the old Choctaw Nation in the States of Mississippi and Alabama in 1830, and that such ancestors complied or attempted to comply with the provisions of article 14 of the treaty of 1830, or subsequently had their claims arising thereunder adjudicated by either of the two Commissions authorized for this purpose by the acts of Congress of March 3, 1837 and August 23, 1842. It does not appear that any evidence of this character was submitted in support of your claim.

The registered letter mailed you at Lumberton, Mississippi, was returned to this office marked "undelivered," and has this day been remailed you at Brookhaven, Mississippi.

Respectfully,

Chairman.

7048

No. 4556

For Identification as a Mississippi Choctaw.
Meridian, Miss.

Date JAN 21 1902

Name *Warren H. Jordan*

Age 23 Blood $\frac{1}{4}$

Post Office *Lumberton, Miss.*

Father: *B. Napoleon Jordan d*

Mother: *Mary " d*

Claims through *father.*

(Claims for self only.)

Children:

Father's mother - Patsy (Full) d.

Signature

R. A. Wright

Choctaw MCR 4557

James H. Scott

See MCR 4554

MCR 4557

4557

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, January 21, 1902.

In the matter of the application of James H. Scott, for the identification of himself, his wife, Florence, and two minor children, James and Wona, as Mississippi Choctaws.

James H. Scott, having been first duly sworn, upon his oath testified as follows:

Examination by the Commission.

- Q What is your name? A James H. Scott.
- Q How old are you? A I was born in '61, the second day of May.
- Q You are about forty? A Yes, sir.
- Q How much Choctaw blood have you? A My grand father was three quarters; my mother was half; of course, I will have to let you figure it out. I haven't any judgment about that.
- Q You don't know how much Choctaw blood you have, then? A No, sir.
- Q Through which one of your parents did you get your Choctaw blood? A My mother.
- Q And her mother and father were both Choctaws, one was 3/4 and the other a 1/2? A Yes, sir.
- Q They were both slaves, weren't they? A I don't know, captain, as to whether they was or not; I can't say; it seems to me I heard my grand mother say she was a half, and my grand father died; I think he died in '69, along in April, and I don't know whether he was a slave or not; I was quite a kid.
- Q Well, your father and mother were both slaves? A My father was, I know.
- Q Don't you know your mother was? A I suppose she was; you can judge from where I was born in '61. I think my mother was a slave; I was carried from home, from my mother when I was a boy, and I was never with them much until the last few years.
- Q What's your post office address? A Lumberton, Mississippi.
- Q What County? A That's in Pearl River County.
- Q How long have you lived in that county? A Since the 12th of last February.
- Q Where did you live before that? A Ellisville, in Jones County; I lived there nine years.
- Q Where did you live before that? A In Washington County, Alabama, and Choctaw County, Alabama. I was born in Choctaw County.
- Q Is your father living? A No, sir, my father's dead.
- Q What was his name? A Henry Scott.
- Q Is your mother living? A Yes, sir.
- Q What's her name? A Margaret Reed.
- Q You get your Choctaw blood solely through her? A Yes, sir.
- Q Now, you think you are about 5/16 Choctaw blood, then? A I suppose so, sir, I never figured on it. In fact, I couldn't know just how to work it out at all.
- Q Has your mother always lived here in Mississippi? A No, sir, my mother never has lived in Mississippi.
- Q Where does she live now? A In Choctaw County, Alabama, where she was born.
- Q Are you willing to swear here that she is possessed of as much as five-eighths Choctaw blood; that's over half? A Yes, sir.
- Q Does she speak or understand the Choctaw language? A Little - very little, sir.

James H. Scott, et al., 2.

Q Now, does she speak or understand it at all? A She understands it; I don't know whether she speaks it or not.

Q When did you see her? A Last Christmas a year ago.

Q Do you understand the Choctaw language at all? A No, sir.

Q How do you know she does? A I have heard her mention it - I suppose she did - she mentioned it; I heard her speaking; that country is full of Indians; I have seen them together.

Q You don't know whether she can talk or understand the Choctaw language or not? A No, sir.

Q Did you ever see her father? A Yes, sir, of course, I was small.

Q What was his name? A John Harper.

Q How long has he been dead? A He died, I think, in '69 or '70, I don't remember which; I have heard mother say time and again.

Q Was he a slave? A I don't know, sir, whether he was or not.

Q Did he speak or understand the Choctaw language? A I don't know, that.

Q Where did he live during his life time? A Choctaw County, Alabama.

Q About how old is your mother? A My mother she is right along in sixty.

Q How old would John Harper be if he were living now? A Oh! I suppose he would be - its my judgment that he would be - he would be something over a hundred years old.

Q Did he have a Choctaw name? A If John Harper is a Choctaw name, he did.

Q That's the only name he had? A That's the only name I knows of.

Q What was the name of your mother's mother? A Bran.

Q How long has she been dead? A She's been dead about twenty years.

Q Was she a slave? A Well, I don't know as to whether she was or not.

Q Where did she live during her life time? A Choctaw County, Alabama.

Q Did she speak or understand the Choctaw language? A I don't know that.

Q Do you know how old she would be if she were living now? A No, I don't; I think she was a few years younger than grand father - about four years, younger than grand father.

Q Do you know the name of either of her parents? A Yes, sir, I know I know the name of her mother.

Q What was her name? A Charlotte.

Q Was she a slave? A I don't know, sir.

Q How long has she been dead? A She died shortly after grand father died; she died in Mobile.

Q Did she have any Choctaw blood? A Yes, sir.

Q How much? A I don't know, sir.

Q Do you know where she lived during her life time? A Up until the time she went to Mobile, she lived right in Choctaw County, Alabama; I think she went to Mobile in '51, and died there the following year.

Q Are you married? A Yes, sir.

Q Is your wife living? A Yes, sir.

Q What's her name? A Florence Scott.

Q Has she any Choctaw blood? A Yes, sir.

Q Do you claim for her too? A Yes, sir.

Q How much Choctaw blood has she? A Her mother was half Choctaw.

Q How much was her father? A Half.

Q Then, she is half? A Yes, sir.

James H. Scott, et al., 3.

Q How old is she? A Be twenty nine the 20th of this coming March.
Q Has she always lived in Mississippi? A Yes, sir.
Q You married to her under a license? A Yes, sir.
Q When were you married to her? A March 5, 1888, at Quitman, Mississippi.
Q Is her father living? A Yes, sir.
Q What's his name? A Peter Gray.
Q Where does he live? A Well, I don't know, sir, where he is now; the last letter he was about Cele, Mississippi, about a mile above Jackson.
Q Is her mother living? A No, sir.
Q What was her name? A Ritta.
Q Did she have any Choctaw blood? A Was half.
Q Has Peter any? A Half.
Q Peter and Ritta both slaves? A I don't know, sir.
Q Does Peter speak or understand the Choctaw language? A I don't know, sir.
Q Did his wife? A I don't know, sir.
Q Do you know the name of either one of Peter's parents? A I know the name of his father.
Q What? A Jack Red.
Q Is he living? A No, sir, he's dead.
Q Did you ever see him? A No, sir.
Q How much Choctaw blood did Jack Red claim? A Claimed that he had three quarters.
Q Did he speak or understand the Choctaw language? A I don't know whether he did or not.
Q How old is Peter now? A Peter - I really don't know; he is up in his forties somewhere. I think he is forty five; I think he is four years older than I am.
Q How old would Jack Red be if he were living now? A I don't know, sir.
Q You don't know the name of Peter's mother? A No, sir, I have heard my wife call it Lucy.
Q Did she have any Choctaw blood? A Yes, sir.
Q How much? A They say she was half.
Q You don't know that she had any Choctaw blood, do you? A No, sir.
Q Do you know how old she would be if she were living now? A No, sir.
Q Or whether she spoke or understood the Choctaw language? A No, sir.
Q Do you know the name of the father or mother of Ritta? A No, sir.
Q So far as you know, have all of your ancestors, and all of your wife's ancestors, always lived here in Mississippi and Alabama?
A So far as I know, yes sir.
Q Have you any children living? A Yes, sir.
Q How many? A Two.
Q Both by your present wife? A No, sir.
Q Either one of them by your present wife? A Yes, sir, the girl.
Q What are the names of the children? A James and Mena.
Q How old is James? A He is nineteen; will be this spring.
Q How old is Mena? A She was thirteen the 8th of last December.
Q Mena the daughter of yourself and your present wife? A Yes, sir.
Q What's the name of James mother? A Her name was Hester.
Q What was the name of her father? A Thornton.
Q Is Hester living? A No, sir, she's dead.
Q How long has she been dead? A She's been dead near 15 years.
Q Did she have any Choctaw blood? A I really don't know, sir, as to whether she did or not.

James H. Scott, et al., 4.

Q Were you married to her under a license A No, sir.
Q Never married to her at all? A No, sir.
Q Did you two ever live together as man and wife? A No, sir.
Q Still, you claim this is your child, and have supported it all of its life? A Yes, sir.
Q Was she married to any one at the time the child was born? A No, sir.
Q This application is for yourself, wife and two minor children, is that correct? A Yes, sir.
Q Is your name, the name of your wife, or the name of either one of these children to be found upon any of the Choctaw tribal rolls in Indian Territory? A No, sir, not that I know of.
Q Did you ever make application to the Choctaw tribal authorities in Indian Territory, for yourself, or wife, or either of these children to be admitted or enrolled as members of that tribe? A No, sir.
Q Have you ever made any application of any description for yourself, wife or either of these children before to-day? A No, sir.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself, wife and two minor children under article 14 of the treaty of Dancing Rabbit Creek? A Yes, sir.
Q Do you understand that 14th article of the treaty of Dancing Rabbit Creek? A No, sir, not clearly.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to remove from the country occupied by them here in Mississippi and Alabama, to a new country west of the Mississippi River, a part of which is now occupied by the greater portion of the Choctaw tribe of Indians and is commonly known as the Choctaw Nation, Indian Territory. At the time the treaty was made, the Choctaws, some of them, were unwilling to leave this country, and for the benefit of those who wanted to stay here, what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions, a Choctaw who preferred to stay here in Mississippi, might receive land here in Mississippi from the Government. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States, for five years after the ratification of this treaty, in that

James H. Scott, et al., 5.

case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you understand that 14th article now? A Yes, sir.

Q Did any of your ancestors, or any of your wife's ancestors, ever comply or attempt to comply with the provisions of article 14, or ever receive any benefits under it? A No, sir, not that I know of.

Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama, in the year 1830, when this treaty was made? A No, sir, not that I know of.

Q Did any of them live here at the time that treaty was made? A I don't know that.

Q Were any of them recognized members of the Choctaw tribe of Indians in 1830, at the time that treaty was made? A I don't, knew, sir.

Q Did any of them remove from the old Choctaw Nation, here in Mississippi and Alabama, to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians, between the years 1833 and 1838? A No, sir, I don't know, that they did.

Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi for the Choctaws know they wanted to stay here in Mississippi and become citizens of the States and take land? A Not that I know of.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A Not that I know of.

Q Did any of them ever claim or receive any land here in Mississippi from the Government under any other article of that treaty, or under the supplement to that treaty? A Not that I know of.

Q Did any of them ever get any money from the Government? A Not that I know of.

Q Were any of them ever recognized members of the Choctaw tribe of Indians? A I don't know, sir.

Q Did any of them ever live in Indian Territory? A Not that I know of.

Q Did any of them ever receive any benefits as Choctaw Indians? A I don't know, sir.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens and take land. The records of the Government show that this agent failed to register and report to the Government the names of many Indians who did in fact let him know they wanted to stay here and become citizens of the States and take land, and on this account the Government at its public land sales here in Mississippi in many instances sold land upon which

James H. Scott, et al., 6.

Choctaws lived and had improvements, and which they supposed they would receive under article 14 of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed an Act which was approved on the third day of March, 1837, providing for the appointment of a commission to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. This commission was duly appointed by the President of the United States and the Commissioners came down here to Mississippi in the latter part of the thirties and heard a few of these Choctaw cases, but in the time allowed them by the Act of Congress under which they were appointed, and a later Act of Congress which was approved on the 22nd day of February, 1838, providing for the continuance of the commission, they were unable to dispose of but a comparatively small number of cases. It, therefore, became necessary for Congress to make further provisions by which the remainder of these Indians might be given hearings, so another Act was passed which was approved on the 23rd day of August, 1842, providing for the appointment of another commission to come down here to Mississippi and finish up the hearing of these Choctaw cases. This commission was duly appointed by the President of the United States and the commissioners came down here to Mississippi and heard a great many of these Choctaw cases.

Q Did any of your ancestors, or any of your wife's ancestors, appear before either of these commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A Not that I know of.

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in lieu thereof land elsewhere in Mississippi, or in Alabama, Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors, or any of your wife's ancestors, ever get any of this scrip from the Government of the United States under this Act of Congress? A Not that I know of.

Q Do you know of any old person living who would likely know whether any of your ancestors, or any of your wife's ancestors, ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, sir, I don't know of a one. Never have been around my mother's people.

James H. Scott, et al., 7.

Q Have you any witnesses here at this time whose testimony you desire to have taken before the Commission? A None but just my half brother.

Q What's his name? A Henry Burtin.

Q He is not a witness; he is an applicant? A Yes, sir, I have no witnesses.

If you should find any witnesses whose testimony you desire to have taken by the Commission, they may appear before the Commission here at Meridian before the 15th of next month, or within a reasonable time thereafter at the General office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

Q How many brothers have you living, full brothers? A Many one.

Q How many half brothers? A I don't know how many.

Q What do you mean by that, that you have so many? A I have got a good many.

Q Children by your mother? A No, sir, my father.

Q I want to know the names of your half brothers who have the same mother as you have? A I haven't but one, and that's John Reed.

Q Now, this man, Henry Burtin's, mother and your mother are different? A I said excusing him.

Q Then you have two half brothers who have the same mother as you have? A Yes, sir.

Q Have you any full sisters? A No, sir.

Q Any half sisters who have the same mother as you have? A Yes, sir, two.

Q What are the names of these half sisters? A One is named Lillie.

Q She is married? A Yes, sir.

Q Where does she live? A In Choctaw County, Alabama.

Q Next one? A The other one is named -- I just simply don't know, because she is born and raised since I left home.

Q They both have the same mother as you? A Yes, sir; she is only fourteen or fifteen years old.

Q And Vester Pearson has a different mother? A Yes, sir.

Q What's her mother's name? A I don't know.

Q What's her father's name? A Henry.

Q He has no Choctaw blood? A Yes, sir.

Q Her father and the father of Henry Burtin is the same man?

A Yes, sir.

Q He has no Choctaw blood has he? A I don't know, sir, I haven't seen him but once in my life.

Q When did you ever hear that he had any? A Oh! I have heard it just as a speech for twelve or fifteen years.

Q You just heard Henry swear here that he didn't have any? A No, sir, I wasn't paying any attention to it at all.

Q Have you any half brothers or half sisters dead? A Yes, sir.

Q Have they the same mother as you? A Yes, sir, I have some sisters no brothers.

Q Did any of these sisters leave children? A No, sir.

Q Are there any further statements you desire to make? A No, sir.

James H. Scott, et al., S.

(This applicant has the appearance of being a full blood negro, and shows no indication of being possessed of Indian blood; he does not speak or understand the Choctaw language. His wife is also present before the Commission, and has the appearance of being a negro.

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 21st day of January, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. S. Streit

Subscribed and sworn to before me at Meridian, Mississippi, this 27th day of January 1902.

L. B. Mosley,
Clerk U.S. Circuit Court,
Southern District of Mississippi.

By *J. M. M.*

Deputy.

COPY.

M O R 4557

Waskagee, Indian Territory, July 14, 1902.

James H. Scott,
Lumberton, Mississippi.

Dear Sir:

You are hereby advised that on the 14th day of July 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Vester Pearson, et al., embracing the following applications for identification as Mississippi Choctaws:

Vester Pearson, et al.,	M O R 4554
Henry Martin, et al.,	" 4558
James H. Scott, et al.,	" 4557

These applications were made under the provisions of the act of Congress of June 28, 1898 (30 Stats., 498) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-fourth, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Vester Pearson, Annie Pearson, Emma Pearson, Henry Martin, Lillie

8 2 5 92

Martin, James H. Scott, Florence Scott, James Scott and Mary Scott as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED).

Wm. B. Dixie
Acting Chairman.

Registered.

Miss. Choctaw R4587.

Muskogee, Indian Territory, October 10, 1902.

J. W. Scott,
Lumberton, Mississippi,

Dear Sir:

Receipt is hereby acknowledged of your letter of October 1, stating that you are too poor to pay the expense of bringing witnesses in your wife's application for identification as a Mississippi Choctaw to Muskogee, and asking if their affidavits or depositions will receive the same consideration as their oral testimony before the Commission.

In reply to your letter you are advised that the Commission is averse to accepting affidavits in support of applications for identification as Mississippi Choctaws, but prefers whenever possible to examine the witnesses in person, but if it is impossible to secure the personal attendance of your witnesses because of nonresidence, their depositions will be considered, if taken in accordance with the rules and regulations governing the taking of depositions in support of applications for identification as Mississippi Choctaws, a copy of which is inclosed herewith for your information.

You are further advised that you will be allowed an adjournment including October 25, 1902, within which to file affidavits for your

J.H.S. 2

ing depositions, interrogatories to be propounded to the witnesses,
and proof of service of the interrogatories upon Mansfield, McMurray
& Cornish, Attorneys for the Choctaw and Chickasaw Nations, whose
address is South McAlester, Indian Territory.

Respectfully,

Commissioner in Charge.

Rules for taking
depositions.

W.C.R. 4357

Muskogee, Indian Territory, October 22, 1902.

James H. Scott,
Lamberton, Mississippi

DEAR SIR:

There are returned to you herewith the affidavits of your wife, Florence Scott, wherein she sets forth her reasons for desiring to have the deposition of Anderson Morgan taken in support of the application for the identification of yourself and family as Mississippi Choctaws, for the reason that you have not made proof of service of a copy of the interrogatories to be propounded to said witness upon the attorneys for the Choctaw and Chickasaw Nations.

A copy of the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, is herewith enclosed. You and your attention is invited to Section E of Rule 2, and Rule 11. A commission will not be issued for the taking of depositions unless these rules are strictly complied with, and in order that you may have no further trouble in the matter, you are advised that the attorneys for the Choctaw and Chickasaw Nations are Messrs. Mansfield, McMurray and Cornish, of South McAlester, Indian Territory. The best way to secure service on them of a copy of the interrogatories is to send a copy to the United States

James H. Scott-----2

Marshal for the Central District, Indian Territory, with instructions to have same served. You are advised however, that it will be necessary for you to send the Marshal two copies of the interrogatories, in order that he may make proof of service upon one of them and return same to you, after which you will forward same to the Commission with the affidavits which have this day been returned to you. Upon receipt of these documents by the Commission, the proper papers will be issued for the taking of this deposition.

Respectfully,

Acting Chairman

3 Enclosures

G.H. 178 and 179

Rules and Regulations

H.C.R. 4572

Muskogee, Indian Territory, December 9, 1902.

James H. Scott,
Lumberton, Mississippi.

Dear Sir:-

The Commission is in receipt of the affidavit of yourself and your wife, Florence Scott, setting forth your reasons for desiring to have the depositions of Anderson Morgan, Miranda Arrington and Henry Nye taken in support of your application for identification as Mississippi Choctaws. Said affidavit, as well as the interrogatories to be propounded to the witnesses and proof of service of copies of said interrogatories upon the attorneys for the Choctaw and Chickasaw Nations being in due form have been filed with and made a part of the record in your application and when the required time has elapsed for the filing of cross interrogatories by the attorneys for the Choctaw and Chickasaw Nations, a commission will be issued authorizing the taking of these depositions and same will be forwarded to you to be placed in the hands of an officer authorized by law to take depositions.

Respectfully,

Acting Chairman

COMMISSIONERS:

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Muskogee, Indian Territory, January 5, 1903.

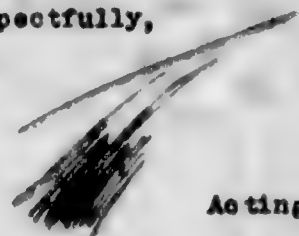
James H. Scott,
Lumberton, Mississippi.

Dear Sir:-

Enclosed please find a commission to take the deposition of Anderson Morgan, to be read in evidence in the application which you made on behalf of your wife, Florence Scott, and two minor children, James Scott Jr., and Mona Scott. Attached to this commission are direct and cross interrogatories to be propounded to the witness and a caption and certificate which are to be filled out by the officer before whom said deposition is taken.

Upon receipt of these documents you will place same in the hands of an officer authorized by law to take depositions and immediately upon the taking thereof have them returned to this office, in order that the application in which they are to be applied may be brought to as early a determination as possible.

Respectfully,



Acting Chairman

Enclosure
G.H. 3

M.C.R. 4557

Lawson, Indian Territory, January 5, 1908

James H. Scott,
Lumberton, Mississippi.

Dear Sir:-

Enclosed please find a commission to take the deposition of Henry Nye to be read in evidence in the application which you made on behalf of your wife, Florence Scott, and two minor children, James Scott Jr., and Maud Scott. Attached to this commission are direct and cross interrogatories to be propounded to the witness and a caption and certificate which are to be filled out by the officer before whom said deposition is taken.

Upon receipt of these documents you will place same in the hands of an officer authorized by law to take depositions and immediately upon the taking thereof have them returned to this office, in order that the application in which they are to be applied may be brought to as early a determination as possible.

Respectfully,

Acting Chairman

Enclosure
G.H. 1

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 4557

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 5, 1903

James H. Scott,
Lumberton, Mississippi

Dear Sir:-

Enclosed please find a commission to take the deposition of Miranda Arrington, to be read in evidence in the application which you made on behalf of your wife, Florence Scott, and two minor children, James Scott Jr., and Mona Scott. Attached to this commission are direct and cross interrogatories to be propounded to the witness and a caption and certificate which are to be filled out by the officer before whom said deposition is taken.

Upon receipt of these documents you will place same in the hands of an officer authorized by law to take depositions and immediately upon the taking thereof have them returned to this office, in order that the application in which they are to be applied may be brought to as early a determination as possible.

Respectfully,

Acting Chairman

Enclosure

G.H. 2

Muskogee, Indian Territory, July 8, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

On July 14, 1902, the Commission transmitted to the Department the record in the consolidated Mississippi Choctaw case of Vester Pearson, et al., together with its decision of July 14, 1902, refusing the applications of the several applicants for identification as Mississippi Choctaws.

With Departmental letter of September 3, 1902, I.T.D. 6364-1902, the record in this case was remanded in order that the applicant, Florence Scott, might be given an opportunity to introduce further evidence in support of her application.

In accordance therewith the Commission on September 13, 1902, notified James H. Scott, the husband of said Florence Scott, that the Commission would, at its office at Muskogee, Indian Territory up to and inclusive of October 13, 1902, hear the testimony of such witnesses as might present themselves in person, and receive for consideration such documentary evidence as might be offered tending to show that said Florence Scott was a direct lineal descendant of Jack or Onalutsee who was shown by the records of the Department to have been a beneficiary under the provisions of article 14 of the Choctaw treaty of 1830, and, upon proper application and showing an

Secretary--2

extension of time for the introduction of such evidence was granted by the Commission.

On February 16, 1903, there was filed with the Commission the depositions of Andersen Morgan and Miranda Arrington and on February 19, 1903, the Commission notified James H. Scott that said depositions were not sufficient to show conclusively that Jack Red, the grandfather of Florence Scott, was identical with Jack or Onalubbee, above mentioned, and an additional thirty days from February 19, 1903, was granted the applicant within which to introduce further testimony. Since said last mentioned date no further proceedings have been had herein.

The applicant, Florence Scott, having failed to introduce testimony showing her direct lineal descent from Jack or Onalubbee who is shown by the records of the Department to have been a beneficiary under the provisions of article 14 of the Choctaw treaty of 1830, the record in the consolidated case of Victor Pearson, et al., together with the additional proceedings had therein is therefore herewith transmitted.

respectfully,

Commissioner in Charge.

Through
The Commissioner of Indian Affairs.
Enc. No 2.

M.C.R. 4557

COPY.

Waskagee, Indian Territory, January 27, 1905.

James H. Scott,
Lumberton, Mississippi.

Dear Sir:

You are hereby notified that on the 16th day of January, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the application for the identification as Mississippi Choctaws of your wife, Florence Scott, and children, James and Mona Scott, included in the consolidated case of Vester Pearson et al., of which decision you were advised by registered mail on the 14th day of July, 1902.

Respectfully,

(SIGNED)

Chairman.

mer 4557

DEPT. OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

DEC 6 1882

[Signature]
ACTING CHAIRMAN

Pearl River County

State of Mississippi

Personally appeared before me ^{out of office notary public} ~~W. D. Anderson~~ ^{W. D. Anderson} ~~notary public~~

~~ex officio~~ notary public for the town of Lumberton,
Pearl River County, State of Mississippi, Florence
Scott and her husband James Harry
Scott both resident citizens of Pearl River
County, State of Mississippi, who on oath
deposed and sayeth that she Florence
Scott is a lineal descendant of Jack Red or
Onalubbee, a Mississippi Choctaw Indian.

They further swear that they have made
personal application to prove that Jack Red
or Onalubbee was the grand-father of the
said Florence Scott.

They further aver that they are poor
people and are not able to bear the ex-
penses necessary to present their witnesses in
person before the "Commission to the Five Civil-
ized Tribes" and that this affidavit is made
under Rule "1st" of the Departmental Rules
and Regulations Governing the procedure in
the taking and submission of Depositions in
support of Applications for Identification as
Mississippi Choctaws.

They further aver that the testimony of
Anderson Morgan, of Sanford, Covington County,
Mississippi, is material to their claim and
that the said Anderson Morgan knows that
Jack Red or Onalubbee was the grand-father
of Florence Scott and that he will so swear.
They also swear that the testimony of

Henry Nye of Elliville, Jones County, Miss-
issippi is material to their claim and that
the said Henry Nye knows that Jack Red or
Onalubbee was the grand father of Florence
Scott and that he will so swear.

And that Miranda Arrington of Pear-
is, Marion County, Mississippi, knows that
Jack Red or Onalubbee was the grand father
of Florence Scott and that she will so
swear.

And that this affidavit is made to the
Commission To The "Five Civilized Tribes" pray-
ing that a commission to take depositions
shall be issued by the "Commission To The Five
Civilized Tribes."

Questions to be propounded to witnesses

1 What is your name?

2 How old are you?

3 Where have you lived all your life?

4 Did you know Jack Red or Onalubbee, the
reputed grand father of Florence Scott?

5 How long did you know him?

6 Do you know Florence Scott and James Harry
Scott, her husband?

7 How long have you known them?

8 How do you know Jack Red or Onalubbee
was the grand father of Florence Scott, the wife
of James Harry Scott?

9 Are you in any way related by blood to
Florence Scott or James Harry Scott, her
husband?

Florence^{her} Scott, James^{his} Scott
grand f. mother

STATE OF MISSISSIPPI,

DISTRICT NO. 2,

OF PEARL RIVER COUNTY.

PERSONALLY APPEARED FOR DEPOSE

F. J. Holman,
A JUSTICE OF THE PEACE OF THE

SAID COUNTY
and said State

James Scott and
James H. Scott who acknowledged
that they signed the
 foregoing instrument on the
 day and year herein
 subscribed 1902 E. mentioned
 D. L. Walgren J.P.
 and Ex Officio Notary Public

I, B. F. Hackett, U. S. Marshal for Central District of the
 Indian Territory, hereby certify that I served the above Interroga-
 tories on Mansfield, McMurray & Cornish, Attorneys for the Choctaw
 and Chickasaw Nations of Indians, by delivering a true copy of same
 to George A. Mansfield, a member of said firm at their office in the
 city of South McAlester, Ind. Ter. this 28th day of November 1902
 at 4:40 o'clock P.M.

BENJ. F. HACKETT,
U. S. Marshal.

By

Deputy.

consolidated Case
of James Scott
et al

REFER TO M. C. R. 4557

6

Jack Red, 3/4, Dead
w/fe
Lucy Red 1/2, Dead

Peter Gray, 1/2, 45 L.
w/fe
Ritta Gray, 1/2, Dead
Florence Gray, 1/2, 28
Ravies
James Scott, 3/16, 40

John Harper, 3/4, Dead
w/fe
Charlotte, Dead
Evan 1/2 Dead

Avin, 1/2, 1/2

Margaret Harper, L, 7/8
husband
① Henry M. Scott, Dead
② Reed, ?
③ Henry Burton, Living, 1/2
Mother - Arin, Full Blood, Dead

Applicants in MCR #4557 and 4555 claim their Choctaw
descent through Margaret Harper, while Applicants in
MCR 4554 claim through Henry Burton

Jane Burton, L
married
Clark

MCR
4557

James Scott, 40, 7/16
w/fe
Florence Scott, 28, 1/2
(see left upper corner this
sheet for blood descent)

John Reed

Lillie Reed

MCR
4554

Vester Burton, 34, 1/4
married
George Pearson

MCR
4555

Henry Burton, 31, 1/4
w/fe
Louvinia Burton

Scott Burton

Jordan Burton

Rosetta Burton
married
Portia (or Pontis)

Rilla Burton

Charlie Clark
Clark

MCR
4557

James Scott 19
* Illegitimate son of James Scott and
Hester Thornton
Mona Scott 13

MCR
4554

Annie Pearson, 13
" Emma Pearson, 10

MCR
4555

Lillie Burton, 6
* Illegitimate child of Henry Burton
and Mary Jane Nicholson, 11

No. 2001
For Identification as a Mississippi Choctaw.
Meridian, Miss.

Date JAN 21 1902
Name James H Scott

Age 40 Blood 5/16

Post Office, Lumberton, Miss.

Father: Harry Scott d

Mother: Margaret Reed L

Claims through mother
Wife Florence Scott (1/2) 28

Father Peter Gray L

Mother Ritta d

(Claims through both parents.)

(Claims for self, wife and
2 children:)

James Scott 19

Mother Hester Scott d
(no Choctaw blood.)

Mona Scott 13

Father of Margaret = John Harper. (3/4) d

Mother " = Erin (1/2) d

Mother " Erin - Charlotte = d

Father of Peter Gray = Jack Red = (3/4) d

Mother " = Lucy Gray (1/2) d

Stenographer

R. A. Street

Choctaw MCR 4558

John C. Bryant

MCR 4558

REPORT OF THE COMMISSIONER,
COMMISSION TO THE SECRETARY OF THE INTERIOR.

In the matter of the application of John C. Bryant,
et al., for identification as Mississippi Choctaws. H.C.R. 4258.

List of papers forwarded to the Secretary of the Interior
comprising the record in the above entitled case.

Original application of John C. Bryant, et
al., to the Bureau Commission for identifi-
cation as Mississippi Choctaws.....1

Testimony of John Jackson Turner.....7

Certified copy of the marriage record of
Glen Bryant and Lettie Hansen.....13

Decision of the Commission refusing the
application of John C. Bryant, et al., for
identification as Mississippi Choctaws.....14.

4558

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, January 21, 1902.

In the matter of the application of John C. Bryant, for the identification of himself and one minor child, Johnnie, as Mississippi Choctaws. Andrew W. Jones, Agent, and Samuel A. Beadle, attorney, for applicant.

John C. Bryant, having been first duly sworn, upon his oath testified as follows:

Examination by the Commission.

Q What is your name? A John C. Bryant.
Q How old are you? A I am about fifty years old. I was born in '52.
Q Were you a slave? A No, sir.
Q Were you born free? A Yes, sir.
Q How much Choctaw blood have you? A I don't know, sir.
Q We want to know as near as you can get at it? A My mother looked like she had a good deal.
Q How much did she look like she had? A She looked like she had as much as some of the rest I saw about.
Q You don't know how much Choctaw blood you have? A No, sir, I couldn't tell.
Q What's your post office address? A Raymond, Mississippi, Hinds County.
Q How long have you lived in Hinds County? A I went from Newton County, in '89; I lived in Newton County.
Q Were you born in Newton County? A No, sir, I was born in this County, about Lauderdale County.
Q You have lived in these Counties all your life? A No, sir, I lived in Issaquena County.
Q Now, you lived in these four Counties all your life? A No, sir, I have lived in Holmes County, Mississippi.
Q Is that all? A Yes, sir.
Q You never have lived out of the State? A No, sir.
Q Is your father living? A No, sir, he's dead.
Q What was his name? A Bryant, so my mother said; I never saw my father; my mother said he was named Bryant.
Q What other name did he have? A Bill Bryant.
Q Did Bill Bryant have any Choctaw blood? A I don't know, sir, I never seen him.
Q Was he a slave? A No, sir, I reckon not.
Q What was he? A I don't know, sir, I never seen you know.
Q Is your mother living? A No, sir.
Q What was her name? A Mary.
Q You get your Choctaw blood through your mother solely? A Yes, sir.
Q Now, can you give us an idea how much Choctaw blood your mother had? A No, sir, I couldn't, because my mother looked like she had a heap of it.
Q She was a slave, wasn't she? A No, sir.
Q Are you sure of that? A Yes, sir, I am.
Q Did she talk the Choctaw language? A Yes, sir, I reckon she did.
Q Well, now, did she; I want to know the truth? A I don't know.
Q What was the name of your mother's father? A I don't know, sir.
Q

John G. Bryant, et al., 2.

Q What was the name of your mother's mother? A I don't know, sir.
Q You never saw either of them? A No, sir.
Q Did your mother live in Mississippi all of her life? A Yes, sir, and died in Mississippi.
Q Could she talk the Choctaw language? A Well, she talked like the rest of them; I heard them talking; I was a boy, you know.
Q How old would she be if she were living now? A My mother would be about eighty years old.
Q Did she have any other name besides Mary? A No, sir.
Q Do you speak or understand the Choctaw language? A No, sir, I don't understand it.
Q Are you married? A Yes, sir.
Q Is your wife living? A Yes, sir, her name's Lottie.
Q Has she any Choctaw blood? A No, sir, not that I know of.
Q You make no claim for her then? A No, sir.
Q Have you been married more than once? A Yes, sir, my first wife is dead; never had any children by her.
Q Did she die before you married your second wife? A Yes, sir.
Q How long have you been married to Lottie? A March-the third day of January, '78.
Q Married under a license? A Yes, sir.
Q Have you your license and certificate with you at this time? A No, sir, they are at home.
Q You have one child for whom you want to make application? A Never had but the one.

It will be necessary for you to furnish the Commission with proper evidence of your marriage to your wife, Lottie, for use in the consideration of the application which you make in behalf of your minor child. The Commission would be glad to have you file the same within thirty days from this date, if possible.

Q What's the name of this child for whom you want to make application? A Johnnie.
Q Girl is it? A Yes, sir.
Q How old is the child? A About seventeen.
Q Is she the daughter of yourself and Lottie Bryant? A Yes, sir.
Q This application, then, is for yourself and one minor child? A Yes, sir.
Q Is your name or the name of that child to be bound upon any of the Choctaw tribal rolls in Indian Territory? A I don't know.
Q Did you ever make application to the Choctaw tribal authorities? A No, sir.
Q Did you ever make any application of any description before to-day? A No, sir.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and this minor child under article 14 of the treaty of Dancing Rabbit Creek? A Yes, sir.
Q Do you understand that 14th article of the treaty of Dancing Rabbit Creek? A No, sir, I don't understand that.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, seventy one years ago, between the Choctaw tribe of Indians and the

John C. Bryant, et al., 3.

United States Government. At the time this treaty was made the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama, to a new country west of the Mississippi River, a part of which is now occupied by the greater portion of the Choctaw tribe of Indians, and is commonly known as the Choctaw Nation, Indian Territory. At the time this treaty was made, some of the Indians were unwilling to leave this country, and for the benefit of those who wanted to stay here, what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions, a Choctaw Indian who preferred to stay here in Mississippi and not move out west with the tribe, might receive land here in Mississippi from the Government. The 14th article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months after the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q That's the 14th article of the treaty of Dancing Rabbit Creek. Do you understand that 14th article now? A No, I don't thoroughly understand it.

Well, as I have already stated, this treaty was made here seventy one years ago, long before you were born. The reason this 14th article was put in the treaty was so that the Choctaws who wanted to stay here in Mississippi could get land here in Mississippi; the 14th article was put in here for the benefit of those who wanted to stay here and take land. It provided that in case a Choctaw did want to stay here and not move out to the new nation, he might do so and get land, but he must, within six months from the time the treaty was ratified, that is, within six months from February 24, 1831, let the agent of the Government here in Mississippi for the Choctaws know that he wanted to stay here, then he would be entitled to a reservation of one section of six hundred and forty acres of

John C. Bryant, et al., 4.

land, to be bounded by sectional lines of survey; in like manner he was entitled to one-half that quantity for each unmarried child which was living with him over ten years of age; and a quarter section to such child as might be under ten years of age, to adjoin the location of the parent. If they resided upon said land intending to become citizens of the States for five years after the ratification of this treaty; that is, five years from February 24, 1831, they were entitled to a grant in fee simple for the land; that is, the Government would give them a deed to the land, conveying the land to the Choctaw, and he could do with it then as it suited his pleasure. That 14th article further stated that this land must include the present improvement of the Choctaw at the time the treaty was made, on the 27th day of September, 1830, and the reservations for the children must adjoin the location of the parent. Now, that treaty said, that persons who claimed under that article should not lose the privilege of a Choctaw citizen, but if they ever removed; that is, if they ever went out west to the new nation, should not be entitled to any portion of the Choctaw annuity. The Choctaw annuity is money paid each year to the Choctaw Indians under treaty stipulations, by the Government of the United States.

Q Did any of your ancestors ever comply or attempt to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek?
A Not as I know of.

Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama, in the year 1830, when this treaty was made? A I don't know, sir, whether they did or not.

Q Were any of them recognized members of the Choctaw tribe of Indians here at that time? A I don't know, sir.

Q Did any of them remove from the old Choctaw Nation, here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A I don't know, sir.

Q Did any of them live here seventy one years ago when this treaty was made? A I don't know, sir; I am not that old; I didn't see that.

Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi for the Choctaws know they wanted to stay here and become citizens of the States and take land? A I don't know.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A Not as I know of.

Q Or under any other article of that treaty, or under the supplement to that treaty. A Not as I know of.

Q Did any of them ever get any money from the Government? A I never seen none; I don't know anything about it.

Q So far as you know, were any of your ancestors ever recognized members of the Choctaw tribe? A No, sir, I don't know about that.

Q Did any of them ever receive any benefits as such? A Not as I know of.

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In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here in Mississippi and become citizens of the States and take land. That agent was down here in 1831, the early part of 1831. The records of the Government show that this agent failed to register and report to the Government the names of many Indians who did in fact let him know that they wanted to stay here in Mississippi and become citizens of the States and take land, and on this account the Government, at its public land sales here in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under article 14 of the treaty of Dancing Rabbit Creek. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress, and Congress passed an Act which was approved on the third day of March, 1837, providing for the appointment of a commission to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. This commission was duly appointed by the President of the United States and the commissioners came down here to Mississippi and heard a few of these Choctaw cases, but in the time allowed them by the Act of Congress under which they were appointed, and a later Act of Congress which was approved on the 22nd day of February, 1838, providing for the continuance of the Commission, they were unable to dispose of but a comparatively small number of these cases. It, therefore, became necessary for Congress to make further provisions by which the remainder of these Indians might be given hearings, so another Act was passed which was approved on the 23rd day of August, 1842, providing for the appointment of another commission to come down here to Mississippi and finish up this work. This commission was duly appointed by the President of the United States and the commissioners came down here to Mississippi and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before either of these commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A Not as I know of.

This Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in lieu thereof land elsewhere in Mississippi or in Alabama, Louisiana, or Arkansas, from vacant Government land, and that he should be given a certificate to that effect. These certificates were called scrip.

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Q Did any of your ancestors ever receive any of this scrip from the Government of the United States under this Act of Congress?

A I don't know.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit, Creek, or ever received any benefits thereunder? A No; but I have a witness here.

Q How many witnesses have you here? A I have about one.

Q What's his name? A J. J. Turner.

Q What do you expect to prove by that witness? A To prove who I am, and how old I was. He knows my mother.

By A. W. Jones:

He can only prove a conversation the witness had with his mother at the time they were going west; they were carrying them out west. He wants to prove by the witness what his mother said regarding going west, or trying to make an effort to remain.

By Commission:

If you should find any other witnesses whose testimony you desire to have taken by the Commission, they may appear before the Commission at any time before the 15th of next month at Meridian, Mississippi, or within a reasonable time thereafter at the General office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

Q Have you any brothers or sisters living? A All dead.

Q Did you ever have any full brothers? A Not as I know of.

Q Or any full sisters? A Have two dead.

Q Did either of them leave children? A Yes, sir; one had seven and one got three.

Q These sisters had the same mother as you have? A Yes, sir.

Q Where do these children live now? A Three of them in Hinds County, and some in the swamps; there is five of them; I don't know where they is, but there is three in Hinds County.

Q What are the names of the three in Hinds County? A One named Mary, Reilly and John.

Q What are their other names? A Chaney.

Q What was the name of their mother? A Mother named Mary.

Q Full sister of yours? A Yes, sir.

Q Are these children of age? A No, sir, they ain't twenty one.

Q Any of them married? A No, sir.

Q With whom do they live? A Well, one of them lives with me, and one works on the railroad here at Jackson with some of the railroad men.

Q Has any application ever been made for any one of these children to the Commission? A Not as I know of.

Q What are the names of the children of your other sister? A One is named John Moffit, Mary Moffit, Hettie Moffit, Jerry Moffit, and Hunsay Moffit.

Q Next one? A There is one dead.

Q I want the living ones. One more living? A Fred.

Q That's all of them is it? A That's about all of them.

Q Are any of your mother's brothers or sisters living? A No, sir.

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Q Any of the children of any of your mother's brothers or sisters living? A No, sir.

By A. W. Jones:

The Commissioner asked you a while ago was your mother recognized by the tribe that lived here; do you know, or do you not know, whether she ever visited them? Did she ever go among the Indians?

A Yes; I lived among the Indians many times.

Q Did your mother live with them too, from place to place? A Yes sir.

Q Where were you born? A I don't know where I was born.

(This applicant has the appearance, features and facial expressions of a negro; his hair and color would indicate that he might be possessed of a small proportion of either Indian or white blood.)

(Applicant excused.)

John I. Turner, having been first duly called and sworn as a witness in behalf of the above named applicant, upon his oath testified as follows:

Statement by Andrew W. Jones:

We want to prove that that gentleman who came here and states that Mary Bryant - a conversation which he had with her about remaining in Mississippi during the time that the Government agent was here, and what efforts she made to remain.

Examination by the Commission.

Q What is your name? A John Jackson Turner.

Q How old are you? A Going on seventy six.

Q What is your post office address? A Raymond, Mississippi, Hinds County.

Q How long have you lived in Mississippi? A I lived in Mississippi ever since I was about seven or eight years old; I have been in Mississippi - I have moved out and in.

Q Where did you live before you came to Mississippi? A I reckon in Alabama.

Q You are not an applicant before this Commission for identification as a Mississippi Choctaw, are you? A No, sir.

Q You appear before the Commission for the purpose of testifying in behalf of John C. Bryant, who has just been before the Commission? A Yes, sir.

Q Are you any relation to him? A No, sir, none at all.

Q Are you interested in any way in the result of his application?

A No, sir, I just came to testify what I know about him.

Q What's your occupation? A I am a farmer.

Q Well, how long have you known John C. Bryant? A I knowed his grand mother,

Q Wait now! how long have you known him? A Ever since he was born.

Q Has he any Choctaw blood? A Yes, sir, he has Choctaw blood.

Q How much has he? A I don't know, exactly, how much.

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Q Now, which one of his parents did John C. Bryant get his Choctaw blood, through his mother or his father? A His mother.

Q His father had no Choctaw blood at all? A I don't know his father.

Q Don't know who he was? A No, sir.

Q How long has John's mother been dead? A She has been dead about twenty years - maybe more than that.

Q How much Choctaw blood do you think she had? A She was half Indian, I reckon; she is a whole Injun or half Injun.

By A.W. Jones:

Do you know, or do you not know? A I don't know.

By Commission:

Who did she belong to during slavery times? A Didn't belong to anybody; she was free; her mother was free and was Indian.

Q You are sure that Mary Bryant was a free woman? A Yes, sir.

Q Was she older or younger than you? A Who?

Q Mary? A About the same age - maybe younger - about the same age. I don't know.

Q Did the mother of John C. Bryant speak or understand the Choctaw language? A Well, I don't know whether she did - she talked Choctaw language; you couldn't hardly understand her.

Q I want you to testify whether she spoke or understood the Choctaw language definitely, yes or no? A I don't know whether she did or not.

Q Now, through which one of her parents did she get her Choctaw blood? A Her mother.

Q What was her name? A Elizabeth.

Q You claim she was a full blood Choctaw Indian? A I did; she was mixed with the tribe.

Q You have seen her have you? A Yes, sir.

Q She wasn't a slave? A No, sir.

Q Well, when did you first meet her? A I met her out here in Lauderdale County.

Q When? A I don't know; I was young then; I may have been about ten or twelve years of age.

Q Do you remember when the Choctaws were moved out of this country by the Government of the United States? A No, sir, I don't remember that.

Q Along about - anywhere from sixty to seventy years ago? A No, sir, that's past my memory.

Q Well, what was the name of the father of Mary Bryant? A I don't know, sir.

Q Did she associate entirely with the Choctaws? A Yes, sir.

Q Did any of the ancestors of this applicant, John C. Bryant, ever comply or attempt to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek? A I heard his mother say she wanted to go somewhere's to apply for something, but she was afraid to go.

Q When was that? A That was after she was supposed to know what she wanted to do.

Q When was it she made that statement to you? A That was when we were good sized boys and girls together? A

Q She was about the same age as you. A Yes, sir, and may have been older or younger.

Q Were you grown when she made that statement to you? A About sixteen or seventeen.

Q Where did she make that statement to you? A Down here in Lauderdale County.

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Q In this County? A Yes, sir. Down here at Lauderdale Springs.

Q Do you know whether Mary, or her mother, let the agent of the Government here in Mississippi for the Choctaws know within six months after the treaty of Dancing Rabbit Creek was ratified that they wanted to stay here and become citizens of the States and take land? A I don't know about that.

Q Do you know whether they removed from the old Choctaw Nation here in Mississippi and Alabama, to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians, between the years 1833 and 1838, or whether any of the ancestors of this man, John C. Bryant, did that?

A I don't know whether they did that or not, but they said they wanted to go but was afraid to go, because they was running them and beating them up so when they was carrying them off.

Q Didn't any of them move out there then - any of their ancestors?

A No, sir, not that I know of.

Q Did any of the ancestors of this applicant, John C. Bryant, ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A No, sir, I don't know anything about it.

Q Never heard of it if they did? A No, sir.

Q Did you ever hear of any of them having gotten any land from the Government? A No, sir.

Q Or any money from the Government? A No, sir.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this agent failed to register and report to the Government the names of many Indians who did in fact let him know that they wanted to stay here and become citizens of the States and take land, and on this account the Government at its public land sales here in Mississippi in many instances sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under article 14 of the treaty of Dancing Rabbit Creek. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed an Act which was approved on the third day of March, 1837 providing for the appointment of a commission to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. This commission was appointed by the Government of the United States and the commissioners came down here to Mississippi in the latter part of the thirties and heard a few of these cases, but in the time allowed them by the Act of Congress under which they were appointed, and a later Act of Congress which was approved on the 22nd day of February, 1838, providing for the continuance of this commission, they were unable to dispose of but a comparatively small number of

John C. Bryant, et al., 10.

cases. It, therefore, became necessary for Congress to make further provisions by which the remainder of these Indians might be given hearings, so another Act was passed which was approved on the 23rd day of August, 1842, providing for the appointment of another commission to come down here to Mississippi and finish up the hearing of these Choctaw cases. This commission was duly appointed by the President of the United States and the commissioners came down here to Mississippi in the forties and heard a great many of these cases.

Q Did any of the ancestors of John C. Bryant appear before either of these commissions and attempt to establish their rights under ~~article 14~~ of the treaty of Dancing Rabbit Creek? A No, sir, not

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in the place of this land sold by the Government, land some place else in Mississippi, or in Alabama, or Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of the ancestors of John C. Bryant ever get any of this scrip from the United States Government? A No, sir.

Q Are you sure of that? A Yes, sir.

Q How was that conversation which you state you had with the mother of this applicant in regard to her moving from this country brought about, do you remember? How did you come to have that conversation?

A Why, we were talking about wanting to get their rights here for the land - gwine to go off, and talking about going to get some land in the tribe, or Indian Territory, and I was there and heard it.

Q Who was talking about it? A Mary, this here young man's mother. She was talking about what her mother had said.

Q Did Elizabeth have a Choctaw name? A I don't know whether she had a Choctaw name or not; I can't tell whether that's the name or not.

Q Did she have any name besides Elizabeth? A I don't know, sir. I don't know whether she had a surname or not.

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 21st day of January, 1902, and that the above and foregoing is a full, true and correct translation

John C. Bryant, et al., 11.

of his stenographic notes of said proceedings in said cause upon
said date.

R. J. Street

Subscribed and sworn to before me at Meridian, Mississippi,
this 18th day of January, 1902.

L. B. Mosley

Clerk U.S. Circuit Court,
Southern District of Mississippi.

By *[Signature]*

Deputy.

Edna
Cott

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— 228 —

"With the coming of the new century, the American and Mexican Indians changed their life. The new life under present progress in the United States and the American Indian, American Indians have reached a new stage of life and thirty, and to that the new American Indian, American Indians and people of the new century have reached, and have reached the new life of the Indian."

It also appears that said applicants have rights in the Soviet Union under Article fourteen of the Soviet constitution and the Soviet Civil Code, concerning ownership of real estate. These houses and thirty by houses in the same district

of Elizabeth (surname not known) who is alleged to have been a full blood Choctaw Indian.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission that neither of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 19, 1896 (29 Stats. 321).

It is found that the name of one Elizabeth, or Lily, appears on page 109 of Volume 1, of the Claimants' Brief and Evidence in the case of the Choctaw Nation versus the United States, before the Court of Claims, No. 12742, in Colonel George W. Martin's register of claims under the fourteenth article of the treaty of "Dancing Rabbit Creek", as a claimant under said article and the mother of two children under ten years of age, said name having been so listed on December 4, 1888. There is nothing in said record or in the evidence submitted by the applicants herein tending to show that the Elizabeth through whom they claim is the identical Elizabeth, or Lily, whose name appears in the record cited.

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who here-

tofore were claimants thereunder, that the said Elizabeth through whom these applicants claim, or ancestors less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats. 100) and August 23, 1842 (5 Stats. 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John G. Bryant and Johnnie Bryant as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

James Dixby.

Acting Chairman

T. B. Needles.

Commissioner

C. R. Freeman.

Commissioner

Muskogee, Indian Territory

DEC 18 1902

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Muskogee, Indian Territory, December 18, 1902.

A. W. Jones,

Agent,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 18th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of John C. Bryant, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John C. Bryant and Johnnie Bryant as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said

-2-

time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tamir Hixby

Acting Chairman.

Registered.

Muskogee, Indian Territory, December 18, 1902.

Manfield, McFurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 18th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of John C. Bryant, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John C. Bryant and Johnnie Bryant as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

James Birby
Acting Chairman.

COPY

Muskogee, Indian Territory, December 18, 1902.

John G. Bryant,
Raymond, Mississippi.

Dear Sir:

You are hereby advised that on the 18th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of John G. Bryant, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 26, 1898 (30 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John G. Bryant and Johnnie Bryant as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the

-2-

case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tame Bixby.
Acting Chairman.

Registered.

M.C.N. 4388

COPY

Muskogee, Indian Territory, December 18, 1902.

S.A. Beadle,
Attorney-at-Law,
Jackson, Mississippi.

Dear Sir:

You are hereby advised that on the 18th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of John C. Bryant, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John C. Bryant and Johnnie Bryant as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said

-2-

time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

WNEP

Tame Dixey
Acting Chairman.

Registered.

COPY.

Muskogee, Indian Territory, January 3, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of John G. Bryant, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of December 11, 1902.

The Commission has the honor to report that the principal applicant herein, his agent, his attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

SIGNED

Tamie Birt

Acting Chairman.

Through the

Commissioner of Indian Affairs.

Enc. M.O.R. 4558

M C R 4558

Muskogee, Indian Territory, January 21, 1903.

John C. Bryant,

Raymond, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 13th inst., relative to the decision of the Commission refusing the application made by you for the identification of yourself and minor child as Mississippi Choctaws. You state that the letter of the Commission notifying you of such decision was mis-sent to Smith Station, Hines County, and didn't reach you until the 12th inst.

In reply to your letter you are informed that the fifteen days from December 18, 1902, heretofore granted you within which to file arguments in support of your claim to be forwarded to the Secretary of the Interior, expired on January 2, 1903, or January 3, 1903, the record in your case together with the decision of the Commission was forwarded to the Secretary of the Interior. You will be duly notified of such action as may be taken by him. The letter of the Commission of December 18, 1902, notifying you of its decision in your case, was addressed to you at Raymond, Mississippi, and the Commission holds a receipt for the same

J.O.Bryant--2

returned by the Raymond, Mississippi, post-master.

Respectfully,

Commissioner in Charge.

Land
1442-1903

C O P Y
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

March 16, 1903

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted, herewith, the record and proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of John C. Bryant, for the identification of himself and his minor child, Johnnie Bryant, as Mississippi Choctaws.

On December 18, 1902, the Commission rendered a decision in this case finding that the evidence submitted in behalf of the applicants is insufficient to determine their identity as Mississippi Choctaw Indians, entitled to rights in the lands of the Choctaw Nation.

An examination of the record evidence shows that the principal applicant, John C. Bryant, inherited his alleged Choctaw blood from his mother, Mary, and his grandmother, Elizabeth, but he fails to show that any of his said ancestors ever complied or attempted to comply with the 14th Article of the Choctaw treaty of 1830, or received a patent for land thereunder. The record evidence does show that neither of the applicants is a Choctaw Indian of the full blood.

The Commission sets out in its decision, that the name of one Elizabeth or Lizzy appears on page 109 of Volume 1, of the Claimant's Brief and evidence in the case of the Choctaw Nation versus the United States before the Court of Claims, No. 12742, in Colonel George

W. Martin's register of Claims under the 14th article of the Treaty of Dancing Rabbit Creek as a claimant under said Article and the mother of two children under ten years of age, said name having been listed on December 4, 1835, but that there is nothing in said record or in the evidence submitted by the applicants herein, tending to show that the Elizabeth through whom they claim is the identical Elizabeth or Lizy whose name appears in the records cited.

The office further finds that the land reserved for the said Elizabeth or Lizy was never patented to her, and was subsequently acquired by the State of Mississippi as "swamp land".

An examination of the office records discovers nothing that tends to substantiate the claims of the applicants in any way.

By reason of the premises, the office considers the said decision of the Commission is in accord with the facts and evidence therein, and recommends that the same be approved by the Department.

Very respectfully,

A. C. Tenner,

Acting Commissioner.

W.C.H.

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D. 14451
M. D. 2904-1903.
IRS

COPY
DEPARTMENT OF THE INTERIOR,
WASHINGTON, MAY 13, 1903.

JWR
JHE

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

January 3, 1903, you transmitted the record in the case of John C. Bryant (M.C.R. 4558), et al., applicants for identification as Mississippi Choctaws, including your decision of December 18, 1902, refusing to identify them as such.

It seems that the principal applicant, John C. Bryant, was born in Lauderdale County, Mississippi in 1852. He has lived all his life in that and adjoining counties. The mother of John C. Bryant was a Choctaw woman named Mary. She was born in Mississippi about 1820, and lived in that state all her life. Her degree of Choctaw blood is uncertain, but it appears that she was at least an one-half blood. Her mother's name was Elizabeth. The latter was also a resident of Lauderdale County, Mississippi.

While these applicants have not shown that they are what is technically known as "Mississippi Choctaws", yet it is true that they are Choctaw Indians; that they are residents of the State of Mississippi, and that their ancestors were residents of the old Choctaw Nation.

It appears from the records of the government in your possession that there were persons named Mary and Elizabeth, or Lily, who signified their intention to remain in Mississippi and become citizens of that state in accordance with the provisions of article

-2-
14 of the treaty of September 27, 1830, and that the aforesaid Mary received scrip by virtue of the provisions thereof.

Reporting in the matter March 16, 1903, the Acting Commissioner of Indian Affairs recommended that your action be approved, for the reason that the testimony furnished by the applicants does not show that the ancestors from whom they claim descent, viz: Mary and Elizabeth, were identical in person with the aforesaid ancestors of the same names.

In view of the facts stated above, it is considered that a final adjudication of the case should not be had at the present time, and that the applicants should be allowed further time in which to furnish additional testimony in support of their claims. The case is therefore remanded to you for appropriate action. In advising the applicants hereof it is desired that you follow the instructions, so far as they are applicable, contained in departmental letter of April 2, 1903, relative to the Mississippi Choctaw case of Harriet Adkins (M.C.W. 4984).

The record is returned herewith, together with a copy of the Acting Commissioner's letter.

Respectfully,

THOS RYAN

Acting Secretary

2 inclosures.

M C R 4853

Muskogee, Indian Territory, May 23, 1903.

A. W. Jones,
Agent,

Muskogee, Indian Territory.

Dear Sir:

The Secretary of the Interior with his letter of May 13, 1903, returned to this Commission the record theretofore forwarded the Department in the Mississippi Choctaw case of John C. Bryant, et al., with instructions that the applicants be granted further opportunity to introduce additional testimony and evidence in support of their claim.

The Secretary of the Interior in his letter states:

"It seems that the principal applicant, John C. Bryant, was born in Lauderdale County, Mississippi in 1852. He has lived all his life in that and adjoining counties. The mother of John C. Bryant was a Choctaw woman named Mary. She was born in Mississippi about 1820, and lived in that state all her life. Her degree of Choctaw blood is uncertain, but it appears that she was at least an one half blood. Her mother's name was Elizabeth. The latter was also a resident of Lauderdale County, Mississippi.

It appears from the records of the government in your possession that there were persons named Mary and Elizabeth, or Lily, who signified their intention to remain in Mississippi and become citizens of that state in accordance with the provisions of Article 14 of the treaty of September 27, 1830, and that the aforesaid Mary received scrip by virtue of the provisions thereof."

The Commission is directed to advise you that said records relating to the compliance of persons with the provisions of article 14, contain certain information, as of the year 1830,

A V 3 2

relative to the persons whose names appear thereon, showing:

- 1st. Their description.
- 2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road).
- 3rd. Their Choctaw as well as their English names.
- 4th. The names and number of the persons who composed their families.
- 5th. The names of their neighbors and immediate associates,

and that for the purpose of comparison, testimony of like character should be furnished relative to the applicants' ancestors.

You are advised that the Commission is averse to the acceptance of ex parte affidavits offered in support of Mississippi Choctaw applications, and prefers, whenever possible, to have the personal appearance of witnesses for examination under oath. In the event, however, such witnesses are unable to make personal appearance on account of old age or infirmity or are non-residents of Indian Territory, their depositions may be considered when taken in conformity with the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, a copy of which rules and regulations is herewith enclosed.

A W F 3

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Tuesday, June 23, 1903, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of this case.

Respectfully,

Chairman.

R & H Dep
Registered

K O K 4836

Muskogee, Indian Territory, May 25, 1903.

H. A. Beadle,
Attorney at Law,
Jackson, Mississippi.

Dear Sir:

The Secretary of the Interior with his letter of May 13, 1903, returned to this Commission the record theretofore forwarded the Department in the matter of the Mississippi Choctaw case of John C. Bryant, et al., with instructions that the applicants be granted further opportunity to introduce additional testimony and evidence in support of their claim.

The Secretary of the Interior in his letter states:

"It seems that the principal applicant, John C. Bryant, was born in Lauderdale County, Mississippi in 1852. He has lived all his life in that and adjoining counties. The mother of John C. Bryant was a Choctaw woman named Mary. She was born in Mississippi about 1820, and lived in that state all her life. Her degree of Choctaw blood is uncertain, but it appears that she was at least an one half blood. Her mother's name was Elizabeth. The latter was also a resident of Lauderdale County, Mississippi.

It appears from the records of the government in your possession that there were persons named Mary and Elizabeth, or Lily, who signified their intention to remain in Mississippi and become citizens of that state in accordance with the provisions of article 14 of the treaty of September 27, 1830, and that the aforesaid Mary received scrip by virtue of the provisions thereof."

The Commission is directed to advise you that said records relating to the compliance of persons with the provisions of article 14, contain certain information, as of the year 1830,

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relative to persons whose names appear thereon, showing:

- 1st. Their description.
 - 2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road).
 - 3rd. Their Choctaw as well as their English names.
 - 4th. The names and number of the persons who composed their families.
 - 5th. The names of their neighbors and immediate associates,
- and that for the purpose of comparison, testimony of like character should be furnished relative to the applicants' ancestors.

You are advised that the Commission is averse to the acceptance of ex parte affidavits in support of Mississippi Choctaw applications, and prefers, whenever possible, to have the personal appearance of witnesses for examination under oath. In the event, however, that such witnesses are unable to make personal appearance on account of old age or infirmity or are non-residents of Indian Territory, their depositions may be considered when taken in conformity with the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, a copy of which rules and regulations is herewith enclosed.

S A E 3

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Tuesday, June 23, 1903, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of this case.

Respectfully,

Chairman.

R & R Dep
Registered

X O R 4536

Muskogee, Indian Territory, May 23, 1903.

John C. Bryant,
Raymond, Mississippi.

Dear Sir:

The Secretary of the Interior with his letter of May 13, 1903, returned to this Commission the record theretofore forwarded the Department in the matter of your application for the identification of yourself and minor child as Mississippi Choctaws, with instructions that the applicants be granted further opportunity to introduce additional testimony and evidence in support of their claim.

The Secretary of the Interior in his letter states:

"It seems that the principal applicant, John C. Bryant, was born in Landerdale County, Mississippi in 1880. He has lived all his life in that and adjoining counties. The mother of John C. Bryant was a Choctaw woman named Mary. She was born in Mississippi about 1820, and lived in that state all her life. Her father was a Choctaw named in uncertain, but it appears that she was at least one half blood. Her mother's name was Elizabeth. The latter was also a resident of Landerdale County, Mississippi.

It appears from the records of the government in your possession that there were persons named Mary and Elizabeth, or Lily, who signified their intention to remain in Mississippi and become citizens of that state in accordance with the provisions of article 14 of the treaty of September 27, 1830, and that the aforesaid Mary received her title by virtue of the provisions thereof."

The Commission is directed to advise you that said records relating to the compliance of persons with the provisions of article 14, contain certain information, as of the year 1830,

relative to persons whose names appear thereon, showing:

1st. Their description.

2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road).

3rd. Their Choctaw as well as their English names.

4th. The names and number of the persons who composed their families.

5th. The names of their neighbors and immediate associates,

and that for the purpose of comparison, testimony of like character should be furnished relative to the applicants' ancestors.

You are advised that the Commission is averse to the acceptance of ex parte affidavits in support of Mississippi Choctaw applications, and prays, whenever possible, to have the personal appearance of witnesses for examination under oath. In the event, however, that such witnesses are unable to make personal appearance on account of old age or infirmity or are non-residents of Indian Territory, their depositions may be considered when taken in conformity with the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, a copy of which rules and regulations is herewith enclosed.

J C S S

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Tuesday, June 23, 1903, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of this case.

Respectfully,

Chairman.

H. A. R. Day

Registered

M C R 4553

Muskogee, Indian Territory, May 23, 1903.

Mansfield, McMurtry & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

The Secretary of the Interior with his letter of May 13, 1903, returned to this Commission the record theretofore forwarded the Department in the Mississippi Choctaw case of John G. Bryant, et al., with instructions that the applicants be granted further opportunity to introduce additional testimony and evidence in support of their claim.

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Tuesday, June 23, 1903, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of this claim.

Respectfully,

Chairman.

COMMISSIONERS.
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, May 28, 1903.

Received of Commission to the Five Civilized Tribes
one copy of the testimony in the Mississippi Choctaw case of
John C. Bryant, et al.

R. W. Jones

Muskogee, Indian Territory, October 29, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

On January 3, 1903, the Commission transmitted to the Department the record in the Mississippi Choctaw case of John C. Bryant, et al., together with its decision of December 18, 1902, refusing the application made by John C. Bryant for the identification of himself and minor child as Mississippi Choctaws.

With departmental letter of May 13, 1903 (I T D 2984-1903), the record in this case was remanded in order that the principal applicant might be granted further opportunity to introduce additional evidence.

In accordance therewith the Commission, on May 23, 1903, notified the principal applicant, John C. Bryant, and his attorneys that he would be allowed up to and inclusive of Tuesday, June 23, 1903, to introduce additional evidence in support of the application made by him for the identification of himself and minor child as Mississippi Choctaws, and on the same date notice to the same effect was furnished the attorneys for the Choctaw and Chickasaw Nations.

No appearance having been entered by or on behalf of the

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applicants, and no additional testimony having been offered by them, the original record in said case, together with copies of notices furnished the principal applicant, his attorneys, and the attorneys for the Choctaw and Chickasaw Nations, is therefore herewith transmitted.

Respectfully,

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

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(COPY).

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

WASHINGTON, Nov. 16, 1903.

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70,934-1903.

The Honorable,

The Secretary of the Interior.

Sir:-

I have the honor to submit, for your consideration, a letter of the Commission to the Five Civilized Tribes, of the 29th ultimo, stating that with departmental letter of May 13, 1903, --I.T.D. 2984-- the record in the Mississippi Choctaw case of John C. Bryant, et al., was remanded in order that the principal applicant might be granted further opportunity to introduce evidence.

In accordance therewith the commission on May 23, 1903, notified the principal applicant, John C. Bryant, and his attorney, that he would be allowed up to and inclusive of Tuesday June 23, 1903, to introduce additional evidence in support of the application made by him for the identification of himself and his minor child as Mississippi Choctaws. On the same date notice to the same effect was furnished the attorneys for the Choctaw and Chickasaw Nations. No appearance having been entered by or on behalf of the applicants up to and inclusive of October 29, 1903, and no additional testimony having been offered by them, the original record in the case, together with copies of the notices furnished the principal appli-

cant, his attorney and the attorneys for the Choctaw and Chickasaw Nations, is transmitted by the commission.

At the original hearing in this case John C. Bryant was unable to state any facts relative to the compliance on the part of his Choctaw ancestor or ancestors with the provisions of the 14th article of the Choctaw treaty of 1830, or as to whether they were recognized members of the Choctaw tribe at that time; neither had he any knowledge as to the exact residence of these ancestors in 1830. The grandmother of John C. Bryant was named Elizabeth and alleged to have been a Choctaw woman, and his mother was named Mary. There were persons of the names of Mary and Elizabeth who were beneficiaries under the provisions of the 14th article of the Choctaw treaty, and for that reason the case was returned to the commission in order that the applicants might have opportunity to supplement the testimony already furnished for the purpose of clearing up the question of their Choctaw ancestry.

The original case was not sufficiently clear to cause the office to believe that the applicants were entitled to identification as Mississippi Choctaws. Having been accorded further opportunity to be heard and having failed to appear or show cause why they could not, it is evident that they have been granted all the rights they are entitled to, and I therefore recommend that the original decision of the commission rejecting the applicants be approved.

Very respectfully,

W.A. Jones,
Commissioner.

(H.B.H.)P.

(COPY).

DEPARTMENT OF THE INTERIOR,

J.W.H.
F.H.E.

WASHINGTON, November 25, 1903.

B.C. 33022.
I.T.D. 8220-1903.
L.R.S.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:-

The Department is in receipt of your report of October 29, 1903, with which you resubmitted the application of John C. Bryant (W.C.R. 4558), for the identification of himself and his minor child, Johnnie Bryant, as Mississippi Choctaws.

December 18, 1903, you refused to identify these applicants as Mississippi Choctaws.

It seems that the principal applicant, John C. Bryant, was born in Lauderdale County, Mississippi, in 1852. He has lived all his life in that and adjoining counties. The mother of John C. Bryant was a Choctaw woman named Mary. She was born in Mississippi about 1820, and live in that state all her life. Her degree of Choctaw blood is uncertain, but it appears that she was at least an one-half blood. Her mother's name was Elizabeth. The latter was also a resident of Lauderdale County, Mississippi.

While these applicants have not shown that they are what is technically known as "Mississippi Choctaws", yet it is true that they are Choctaw Indians; that they are residents of the state of Mississippi,

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and that their ancestors were residents of the old Choctaw Nation.

Inasmuch as the records of the Government show that there were certain persons named Mary and Elizabeth, or Lizy, who attempted to comply with the provisions of article 14 of the treaty of September 27, 1830, the Department under date of May 13, 1903, remanded the case to you for further investigation, in order to permit the applicants to show, if possible, their descent from one of the beneficiaries named above.

You report that you notified the applicants as directed by the Department, but that they failed to appear, in person or by attorney, or to present any additional testimony in support of their claims.

In submitting the matter November 16, 1903, the Commissioner of Indian Affairs recommended that your action rejecting the applicants be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation and your decision is hereby affirmed.

Respectfully,

Thos? Ryan,

Acting Secretary.

1 inclosure.

M.C.R. 4558.

COPY:

Muskogee, Indian Territory, December 5, 1903.

John O. Bryant,
Raymond, Mississippi.

Dear Sir:

You are hereby notified that on the 25th day of November, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of John O. Bryant et al., of which decision you were advised by registered mail on the 18th day of December, 1902.

Respectfully,

James Dixby.
Chairman.

COPY:

M.C.R. 4558

Muskogee, Indian Territory, December 5, 1903.

S. A. Eadle,
Attorney-at-Law,
Jackson, Mississippi.

Dear Sir:

You are hereby notified that on the 25th day of November, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of John C. Bryant et al., of which decision you were advised by registered mail on the 18th day of December, 1902.

Respectfully,

(SIGNED)

James Bixby.
Chairman.

M.C.R. 4558.

COPY:

Muskogee, Indian Territory, December 5, 1903.

Mansfield, McMurray & Gornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester Indian Territory.

Gentlemen:

You are hereby notified that on the 25th day of November, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of John C. Bryant et al., of which decision you were advised by mail on the 18th day of December, 1902.

Respectfully,

(SIGNED)

Tame Bixby.
Chairman.

M.O.R. 4558.

COPY.

Muskogee, Indian Territory, December 5, 1903.

A. W. Jones, Agent,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that on the 25th day of November, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of John C. Bryant et al., of which decision you were advised by registered mail on the 18th day of December, 1902.

Respectfully,

Tamie D. B. B.
Chairman.

1650

No. 4538

For Identification as a Mississippi Choctaw.
Meridian, Miss.

Date

JAN 21 1902

Name John C. Bryant

Age

50

Blood

don't know

Post Office,

Raymond, Miss.

Father:

Will Bryant

d

Mother:

Mary

"

d

Claims through

mother

wife Lattie Bryant

(no claim for wife)

L

(Claims for say one child)

children:

Johnnie Bryant (F)

17

Mother

Henry

Elizabeth

d

Stenographer

R. S. Street

No. 4558

For Identification as a Mississippi Choctaw.

Meridian, Miss.

Date JAN 21 1902

Name John C. Bryant

Age 50. Blood don't know

Post Office, Raymond, Miss.

Father: Will Bryant - D

Mother: Mary " D

Claims through mother
wife Lattie Bryant L
(no claim for wife)

(Claims for six and one child)

Children:
Johnnie Bryant (F) 17

Mother of Mary - Elizabeth - D.

Stenographer
R. J. Street.

Choctaw MCR 4559

Frank C. Granberry

See MCR 4565

MCR 4559

4589

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, January 21, 1902.

In the matter of the application of Frank C. Granberry
for identification as a Mississippi Choctaw. Andrew W. Jones, Agent,
and Samuel A. Readie, Attorney, for applicant.

Frank C. Granberry, having been first duly sworn, upon
his oath testified as follows:

Examination by the Commission.

- Q What is your name? A Frank C. Granberry.
- Q How old are you? A I am forty six.
- Q How much Choctaw blood have you? A I guess I am one fourth.
- Q What's your post office address? A Jackson, Mississippi, 614 Pearl Street.
- Q How long have you lived in Hinds County, Mississippi? A I was born here, and when I went to school - I taught about in the counties, and lived ten years in Holmes County, and lived in Mobile. I have lived in Hinds County, except about 11 years, all my life.
- Q Is your father living? A No, sir.
- Q What was his name? A George Granberry.
- Q Your mother living? A Yes, sir.
- Q What's her name? A Sallie Granberry.
- Q Through which one of your parents did you derive your Choctaw blood? A Mother.
- Q Has your mother been before this Commission? A No, sir, she is an invalid and not able to get here.
- Q About how old is your mother? A She was born in '21; she is eighty or eighty one years old.
- Q Has she a Choctaw name? A I don't know.
- Q She is, according to your statements, one half Choctaw? A Yes, sir.
- Q Was she a slave? A No, sir.
- Q Was your father a slave? A Yes, sir.
- Q You are sure your mother was not a slave? A No, sir.
- Q Were you a slave? A I was too young - I was born a slave, but I don't know how long I was a slave.
- Q You were born in slavery, were you not? A Yes, sir, I was born in '55, I think.
- Q Through which one of her parents did your mother get her Choctaw blood? A I think she got it from her mother; I am not sure she did.
- Q What was her mother's name? A Bettie, they called her.
- Q What other name did she have? A I think they called her Bettie Cook.
- Q According to your statements, she was a full blood Choctaw? A Yes, sir.
- Q Did she have any other name? A I think not.
- Q Did you ever see her? A No, sir.
- Q When did she die? A Some thirty or forty years ago, I reckon.
- Q Where did she die? A I think she died - I reckon in Clark County.
- Q Have your ancestors, all of them, always lived here in Mississippi so far as you know? A Yes, sir.
- Q Was she a slave - Bettie? A No, sir, she lived with the Indians.

Frank C. Granberry, 2.

and was with them constantly.

Q Does your mother speak or understand the Choctaw language? A Yes sir.

Q Your mother? A Yes, sir, my mother; she may have forgotten it a great deal after she was not with the Indians so much, but she was born in Clark County, and the Indians were here; she remembers them well, and she used to try to teach it to me, and used to try to teach me.

Q Do you understand the Choctaw language yourself? A No, sir, she used to try to teach me some about it.

Q Do you know whether your mother's mother could speak or understand the Choctaw language? A I am sure she could, for she was one; she was with them and recognized.

Q How do you know she was recognized as a Choctaw Indian? A I have heard my mother talking about it.

Q Do you know whether she was a recognized member of the tribe?

A Yes, sir, I heard my mother say so.

Q You mean by that that she associated with them and they recognized her as a Choctaw? A Yes, sir, she went in Clark County, and Jasper County and Newton County; they seemed to be a kind of roving tribe she said, and didn't live anywhere, as I have understood from my mother. They lived all about, in different places in the same county.

Q Do you know the name of Bettie's father or her mother? A No, sir.

Q What was the name of your mother's father? A Gideon.

Q Gideon what? A I don't know.

Q Did he have any Choctaw blood? A I think not; I think all the blood comes on the mother's side.

Q Are you married? A Yes, sir.

Q Wife living? A Yes, sir.

Q Has she any Choctaw blood? A My wife has not, no sir.

Q Have you any children living? A Only one adopted son.

Q Has that child any Choctaw blood? A No, sir.

Q This application is for yourself only, is it? A Yes, sir.

Q Is your name to be found upon any of the Choctaw tribal rolls in Indian Territory? A I think not, no sir.

Q Did you ever make application to the Choctaw tribal authorities in Indian Territory? A No, sir.

Q To be admitted or enrolled as a member of that tribe? A No, sir.

Q Have you ever made any application of any kind before to-day?

A No, sir.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under article 14 of the treaty of Dancing Rabbit Creek? A Yes, sir.

Q Do you understand article 14 of the treaty of Dancing Rabbit Creek? A I have read it, yes sir; I think I understand it.

Q Did any of your ancestors ever comply or attempt to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek?

A Yes, sir, my grand mother tried to comply, but she didn't succeed. I have heard my mother speak about it at various times, because of the harshness or something; as the Indians seemed to be afraid of it, but she went away and didn't succeed in being enrolled.

Q You think you understand what a compliance with that article would be? A I don't know, sir, I can't repeat it now, but I read it, and understood it then.

Q Did any of your ancestors, within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi for the Choctaws know they wanted to

Frank C. Granberry, 3.

stay here in Mississippi and become citizens of the States and take land? A No, sir, she wanted to let the agent know, and I think my grand mother undertook to let him know, but he didn't get her name; he didn't enroll her.

Q Why? A Because she didn't get to him; she started to him, as I heard my mother say, but they turned back for some cause, I think it was because they understood the man to be not favorable to the enrollment of the Indians.

Q Do you remember the name of that man? A I heard my mother say, probably, Farriner, or something likethat.

Q Do you know where this agent was when your grand mother started to go and notify him that she wanted to stay here and take land? A I think she was in Newton County.

Q Do you know what place? A No, sir.

Q Do you know about what time that was? A That was long before I was born; my mother was very small at the time, I guess. I don't know the time.

Q Do you know whether your grand mother intended to take advantage of the provisions of article 14 of the treaty of Dancing Rabbit Creek? A She went to see, my mother says, she went to -

Q Did she ever remove out to the new nation west of the Mississippi River? A No, sir.

Q Did she ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A No, sir, she never got any.

Q Did she ever make any claim to any? A No, sir, she never made claim to any land.

Q Did she ever receive any land here in Mississippi from the Government under any other article of that treaty, or under the supplement to that treaty? A No, sir.

Q Did she ever get any money from the Government to your knowledge? A No, sir, she always claimed it was due her, but she never did get any.

Q What efforts did she make to get any? A I don't, know; but not being enrolled I suppose they wouldn't pay it.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this agent failed to register and report to the Government the names of many Indians who did in fact let him know that they wanted to stay here and become citizens of the States and take land, and on this account, the Government at its public land sales here in Mississippi, in many instances, sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under article 14 of the treaty of Dancing Rabbit Creek. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress and Congress passed an Act which was approved on the 3rd day of March 1857, providing for the appointment of a commission to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. This commission was duly appointed by the

Frank C. Granberry, 4.

President of the United States and the commissioners came down here to Mississippi and heard a few of these Choctaw cases, but in the time allowed them by the Act of Congress under which they were appointed, and a later Act of Congress which was approved on the 22nd day of February, 1838, providing for the continuance of this commission, they were unable to dispose of but a comparatively small number of these cases. It, therefore, became necessary for Congress to make further provisions by which the remainder of these Indians might be given hearings, so another Act was passed which was approved on the 23rd day of August, 1842, providing for the appointment of another commission to come down here and finish up this work. This commission was appointed by the President of the United States and the commissioners came down here to Mississippi in the forties and heard a great many of these cases.

Q Did any of your ancestors appear before either of these commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A I stated before, my grand mother did attempt to go before some one of these commissions, but she didn't go; I don't know what was -- I don't know that she was ever enrolled.

Q I thought you stated your grand mother attempted to go before this agent? A That's the way I understood it.

Q Did she attempt to go before one of these commissions too? A I don't know, I think not.

Q You don't know whether any of your ancestors appeared before either of these commissions or not? A I don't think they did, but I don't know; I never heard her say anything about the commission.

Q

This Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in lieu thereof land elsewhere in Mississippi, or Alabama, or Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any of this scrip from the Government of the United States under this Act of Congress?

A No, sir, never heard anything about that.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A There is an old gentleman back there, but I don't know what he knows; but he did know my mother.

Q Is he a witness here in your case? A Yes, sir.

Q My question was whether you knew any one who would know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek; do you know of such a person? A No, sir.

Frank C. Granberry, 5.

Q What is the name of your witness here? A Funnie Ganson.
Q What do you expect to prove by him? A That my mother was a half Indian.
Q Is that all? A Yes, sir, that's all I thought was necessary to prove; he may know some other things.

By A.W. Jones:

Was he raised up with your mother? A Yes, sir, he knowed my mother from childhood.

Q They lived there close together? A Yes, sir.

Q Then he knows as to whether she lived on any of the Indian reservations? A I don't know whether he knows that or not.

Q You don't? A No, sir.

Q But he was raised up there with your --? A Yes, sir, he is here and can answer for himself.

By Commission:

If you should find any other witnesses whose testimony you desire to have taken before the Commission, they may appear before the Commission here in Meridian, Mississippi, before the 15th of next month or within a reasonable time thereafter at the General Office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Have you any brothers or sisters living? A One sister, yes sir.

Q What's her name? A Annie Baird. I have brothers too.

Q How many brothers? Two brothers.

Q What are their names? A One is George, and the other is Newton Granberry.

Q Full brothers of yours? A Yes, sir.

Q Have you any brothers or sisters dead who left children? A No, sir.

Q Has your mother any brothers or sisters living? A No, sir.

Q Did she ever have any full brothers or sisters? A Yes, sir, I think she had two sisters.

Q Did they leave children? A I don't know much about them. I never saw her sisters; I heard her say she had two sisters, but I never saw them.

(This applicant has the appearance of one possessed of a mixture of negro and either white or Indian blood, in which the negro blood predominates.)

(Applicant excused.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 21st day of January, 1902, and that the above and foregoing is a full true and correct translation of his sten-

Frank C. Strawberry, 6.

graphic notes of said proceedings in said cause, upon said date.

R. S. Stein
Subscribed and sworn to before me at Meridian, Mississippi,
this 28th day of January, 1902.

L. B. Mosley
Clark U. S. Circuit Court,
Southern District of Mississippi.

By *[Signature]*

Deputy.

COPY.

M C R 4559

Muskogee, Indian Territory, August 8, 1902.

Frank C. Granberry,

Jackson, Mississippi.

Dear Sir:

You are hereby advised that on the 8th day of August, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Anna Baird, et al., embracing the following applications for identification as Mississippi Choctaws:

Anna Baird, et al.,	M C R 4565
John W. Granberry, et al.,	M C R 4642
George C. Granberry, et al.,	M C R 4643
Frank C. Granberry,	M C R 4559

These applications were made under the provision of the act of Congress of June 26, 1898 (30 Stat., 435), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior".

Said decision concludes as follows:

Y C 0-2.

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Anna Baird, George Jones, John Jones, Charlie Jones, John H. Granberry, Timothy D. Granberry, Newton T. Granberry, Lillie V. Granberry, George C. Granberry, George P. Granberry, Edgar P. Granberry, Henry C. Granberry, Waldo E. Granberry and Frank C. Granberry as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered".

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Tamm Dixby.
Acting Chairman.

Registered.

0001

K.C.R. 4559

Muskogee, Indian Territory, October 29, 1902.

Frank C. Cranberry,

Jackson, Mississippi.

Dear Sir:

You are hereby advised that on the 17th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Anna Baird, et al.; of which decision you were advised by registered mail on the 8th day of August, 1902.

Respectfully,

(SIGNED)

James H. Hays
Acting Chairman.

#1651.

No. 4559

For Identification as a Mississippi Choctaw.
Meridian, Miss.

Date JAN 21 1902

Name Frank C Granberry

Age 46

Blood $\frac{1}{4}$
6/4 Pearl Sp.

Post Office, Jackson, Miss.

Father: George Granberry d

Mother: Sallie Granberry d

Claims through mother.

(Claims for ... leg.)

Children:

Mother of Sallie = Bettie Cook ft. 9

Stenographer

R. A. St.

Choctaw MCR 4560

Booby Moore

See MCR 3540

MCR 4560

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, January 24, 1902.

#4560.

In the matter of the application of Beety Moore for
identification as a Mississippi Choctaw.

Applicant not represented by Attorney.

Beety Moore, being first duly sworn, upon his oath
testified as follows:

Examination by the Commission.

Q What is your name? A Beety Moore.
Q What is it? A Beety Moore.
Q How do you spell that first name? A How old?
Q How do you spell it? A B-e-e-t-y M-o-o-r-e .
Q How old are you, Mr. Moore? A Twenty-three.
Q What is your post office address? A Durant,
Indian Territory.
Q How long have you lived at Durant? A I have been there about a
month.
Q Where did you live before you lived there? A Come, Hopkins
County.
Q Come? A That's where I came up here. I lived there about six
years.
Q What State? A Texas.
Q Where were you born? A Bush County.
Q Texas? A Yes sir.
Q Always lived in Texas till you came to the Territory? A Yes sir.
Q Is your father living? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is your father's name? A Beety Moore.
Q What is your mother's name? A Mother's name was --- well, she's
married again --- her name now
Q Married name? A Via Quaid, is her name now.
Q Yes sir.
Q What was her name? A Victoria. A Yes sir.
Q And what is her other name? A Quaid is her name now.
Q Victoria Quaid? A Victoria Quaid.
Q How long has she been married to her present
husband? A Twelve years. About twelve.
Q Which parent do you claim Choctaw blood? A Father.

(2).

- Q How much Choctaw blood do you claim? A Eighth-----one-eighth.
- Q You claim one-eighth? A Yes sir.
- Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities, or by the United States authorities in the Indian Territory? A No sir.
- Q Have you the marriage license of your father and mother with you? A No sir.
- Q Do you think you could produce proof of their marriage if given time? A Yes sir.
- Q Reasonable time will be allowed for that purpose. Do you remember anything about the time of their marriage or the place? A My fathers?
- Q Father and mother? A No sir. The place I think I have been taught was Rusk County.
- Q In Rusk County, Texas? A Yes sir.
- Q Are you a married man? A No sir.
- Q You apply just for yourself? A Yes sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A Yes sir.
- Q On the tribal rolls of the Choctaw Nation? A Yes sir.
- Q Did you ever live in the Indian Territory? A Not till since I come up here.
- Q Well, how can your name be on the tribal rolls of the Choctaw Nation as a Choctaw Indian admitted to the rights of citizenship in the Choctaw Nation like any other Indian? A Well, my people is enrolled. I wanted to come in under the same head as-----.
- Q You mean your relatives have been before the Commission to be identified? A Yes sir.
- Q Did they come to be identified as Mississippi Choctaws? A Yes sir.
- Q Well that's what you mean then? A Yes.
- Q You mean that your relatives have made application to be identified as Mississippi Choctaws? A Yes sir.
- Q And you would like to make application also? A Yes sir.
- Q That is what you meant in answering that question. You didn't mean that you are on the tribal rolls of the Choctaw Nation did you? A No sir.
- Q Because if you were you wouldn't have to come here to-day. A I wanted to come under the same head.
- Q You wanted to make application, to have your name considered as an applicant for the right to identification as a Mississippi Choctaw the same as your relatives who have been here for that purpose? A Yes sir.
- Q Have you ever made application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States court in Indian Territory? A No sir.
- Q Do you now come before this Commission for the purpose of being identified as a Mississippi Choctaw under Article XIV of the Treaty of 1830? (No answer).
- Q You claim under that article do you of the Treaty of 1830? A Why

(3).

I don't understand that.

- Q Do you understand the Treaty of 1830 or anything about it or any of its provisions? A No sir, I don't.
- Q The Treaty of 1830 sometimes called the Treaty of Dancing Rabbit Creek, because it was made at a place by that name in Mississippi in 1830 on the 27th day of September, was a treaty made between the United States Government and the Choctaw Indians who lived in the old Choctaw Nation which was partly in Alabama and partly in Mississippi, and one of the principal objects for the making of the Treaty was to effect the removal of the Choctaw Indians who lived in the old Choctaw Nation partly in Mississippi and partly in Alabama, to the Choctaw Nation, Indian Territory. Before the Treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation, Indian Territory and in order to protect the interests of those Indians who elected to stay back in the old Choctaw Nation, Article XIV was drafted and put into the Treaty of 1830. After that the Treaty was signed and later on the 24th day of February, 1831, the Treaty was ratified. That Article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you think you understand that section now, or that article rather? A Yes sir.
- Q Do you know if any of your ancestors complied or attempted to comply with any of the provisions of that Article of that Treaty? (No answer).
- Q Did you ever hear that they did? A Yes sir, I have heard of them that they did.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A What is the name?
- Q Name of your grandfather, grandmother, great-grandfather, great-grandmother? Who is it that you claim through? A Great-grandfather, I think.

(4).

- Q What was his name? A I disremember his name. It is-----
- Q Well, can you give the name of any of your relatives? A It is his wife. He married a Choctaw.
- Q Well, what was her name? A I believe it was Nancy Moore. Nancy was my Great-----
- Q Nancy Moore is it? A Yes sir.
- Q Nancy Moore. That is your great-grandmother then? She had the Choctaw blood, not your great-grandfather? A No.
- Q What was your great-grandfather's name. His first name? (No answer).
- Q If you knew? If you don't, say so. A I don't believe I remember.
- Q Now then, you claim that your father Seaton Moore had Choctaw blood. How old would he be if living now? A If living now?
- Q If he were living now how old would he be? A About eighty-five.
- Q Where was he born? A Mississippi.
- Q Mississippi, eighty-five years ago. Do you know at what place in Mississippi he was born? A No sir, I do not.
- Q How long did he live in Mississippi? A I don't know that.
- Q He claims through which parent, his father or mother? A His father.
- Q His father-----what was his father's name? A Silas I believe.
- Q Silas Moore-----and was he the son of Nancy Moore your great-grandmother? A I believe so.
- Q Did Nancy Moore live in Mississippi with her husband and had she a family there in 1830? A I don't know.
- Q Did her son Silas live in Mississippi and have a family there in 1830? A I don't know.
- Q Did Nancy Moore or her son Silas Moore either of them speak the Choctaw language or have Choctaw Indian names? (No answer).
- Q If you know? A Why, I understand they did, my great-grandmother.
- Q Your great-grandmother Nancy, spoke the Choctaw language. How have you heard that fact? Who told you in the family? A Why my brother has met a slave of my father a witness, a fellow that they knew.
- Q You heard it in that way? A Yes.
- Q Do you know anything about Silas having spoken the Choctaw language? A No sir, I don't.
- Q How much Choctaw blood did Nancy Moore have? A She was-----she was a fullblood. She was----my great-grandmother was fullblood Choctaw.
- Q That's Nancy Moore isn't it? A I understand it to be Nancy Moore. I don't remember anything about-----
- Q Well, that is what you have heard in the family? A Yes sir.
- Q And do you know that she was a fullblood Choctaw in the same way through family history and tradition? Through what has been told in the family? A Yes sir.
- Q Did Nancy Moore or her son Silas or any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know.
- Q How do you know that Nancy Moore her son Silas or any of your Choctaw ancestors complied with the provisions of Article XIV of the Treaty of 1830? A Why, I don't know that?
- Q Did any of your Choctaw ancestors go to the United States Indian Agent, Colonel Ward, within six months from the ratification of the Treaty of 1830, and tell him that they wanted to stay in Mississippi and take land there and become citizens of the United States? Do you know? Have you ever heard? A No sir.

(5).

- Q Did any of your Choctaw ancestors remove from the old Choctaw Nation to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838 or '40? A None that I know of.
- Q You never heard? A No sir.
- Q Did Nancy Moore or her son Silas Moore, or any of your Choctaw ancestors own or claim any land in Mississippi or Alabama as beneficiaries under Article XIV of the Treaty of 1830? A Not that I know of.
- Q Did they ever claim or own any land or any benefits under any other article of the Treaty of 1830 than Article XIV or under the supplementary articles of that Treaty? (No answer).
- Q Did you ever hear? A No sir, I never heard.
- Q Do you know whether any of your Choctaw ancestors claimed any benefits as Choctaw Indians under any treaty made between the United States Government and the Choctaw tribe of Indians other than the Treaty of 1830? A No sir, I don't.
- Q The Indians who remained in Mississippi after the Treaty of 1830 was ratified, refusing to go to the Choctaw Nation, Indian Territory with the other Indians under that Treaty, were required if they wanted to take advantage of the provisions of Article XIV of the Treaty of 1830, to go to the United States Indian Agent, Colonel Ward, within six months from the ratification of the Treaty and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States. A good many Indians did this within the time limited under Article XIV, whose names Colonel Ward failed to put upon his list known as Ward's Register or any list made by him. His neglect to do this caused a good many Indians who held land in Mississippi and Alabama to lose both their land and the improvements; they were both taken from these Indians and sold at its public land sales. This caused so many complaints among the Choctaw Indians that in 1837 by an act of Congress approved March 3rd of that year, Congress appointed a Commission which Commission went to Mississippi and heard claimants under Article XIV of the Treaty of Dancing Rabbit Creek, and made a list of their names. In 1842 another Commission was appointed by Congress by an act approved August 23 of that year, for the same purpose, and this Commission went to Mississippi and heard claimants under Article XIV of that Treaty and made lists of their names. Did any of your Choctaw ancestors go before either of those two Commission and claim benefits under Article XIV of the Treaty of 1830? A None that I know of.
- Q The act of Congress approved August 23, 1842, provided that if any Choctaw Indian proved his claim under Article XIV and if it also appeared that he had proven he had had land in Mississippi which the Government had taken from him and sold at its public land sales, that he should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant government land and that a certificate to that effect should be given to him. These certificates were called scrip. Did any of your Choctaw ancestors, Nancy Moore or any other ancestors of yours receive any such scrip from the Government as Choctaw Indians? A I do not know.
- Q What is the name, or are the names, of some of your ancestors---- or some of your relatives who have been before this Commission to be identified as Mississippi Choctaws? A Meltry Moore. Frank Moore.
- Q Frank Moore and who was the first one? (No answer).
- Q Who did you say was the first one? A Meltry Moore.

(6).

- Q What? A Moltry Moore.
Q How do you spell it? A M-o-l-t-r-y.
Q He's been here to be identified has he? A Yes sir.
Q Any others? A Frank Moore.
Q You mentioned him any others? A Robert Moore.
Q Go on? A Robert Moore, Rena Moore.
Q Any others? A That's all my brothers.
Q There are other relatives all claiming through the same ancestor?
A Yes sir.
Q Do you want to have the testimony in all of the cases of your relatives who have come here to be identified as Mississippi Choctaws claiming through the same ancestor through whom you claim
-----A Yes sir-----considered with yours? A Yes sir.
Q Have you any evidence of any kind that you want to introduce or any witnesses you want to call before the Commission further?
A No sir.
Q Do you care for any time in which to introduce additional testimony? A How's that?
Q Do you care for any time extended for the introduction of further testimony? A No sir.
Q Do you speak the Choctaw language? A No sir.
Q Is there anything further you would like to state in support of this claim? A Any other information or testimony you want to give? A No, I just want to go on as a brother you know to the other boys.

This applicant has the appearance and physical characteristics of being descended from white parentage; he has light complexion, blue eyes, light hair. He does not understand the Choctaw language and has no knowledge of a compliance on the part of his ancestors with any of the provisions of Article XIV of the Treaty of 1830.

-----;

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on January 24, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of January, 1902.

Subscribed and sworn to before me this 29 day of January, 1902.

Hal Belford
Clara M. Belford
Notary Public.

COPY.

M.C.R. 4888

Washington, Indian Territory, September 2, 1908.

Dear Sirs,

Washington, Indian Territory.

Dear Sirs

You are hereby advised that on the 6th day of September, 1908, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Silas Sharpe, et al., embracing the following applications for identification as Mississippi

(Chester):

Silas Sharpe, et al.,	M.C.R. 3540
Billy Quaid,	" 3588
Benjamin W. Quaid,	" 3486
John T. Quaid, et al.,	" 3628
Emma Lodegan Wells, et al.,	" 3488
Emmerson Allen Tice, et al.,	" 3479
Edith Quaid,	" 3541
William McFarree Quaid,	" 3543
Arthur J. Bennett, et al.,	" 3512
Anna Elizabeth Smith,	" 3814
Barnett W. Long, et al.,	" 4864
Emma Harrington Quaid, et al.,	" 3487
Magie Hall Strickland,	" 3628
Billy G. Quaid, et al.,	" 3538
Thomas Quaid, et al.,	" 3488
Joe Harrington Quaid,	" 3439
Minnie Quaid, et al.,	" 3444
William W. Quaid, et al.,	" 3438
John J. Quaid, et al.,	" 3707
John A. Quaid,	" 3706
John W. Quaid,	" 3640
John Quaid,	" 3438
John Quaid,	" 3628
John W. Quaid, et al.,	" 3679
John W. Quaid,	" 3688

Boaty Moore-2

Oscar Moore, et al.,	H.C.R. 3383
Willie Moore,	" 3384
Rosa Moore, et al.,	" 3382
Mollie E. Pirtle, et al.,	" 3629

These applications were made under the provision of the act of Congress of June 22, 1898 (30 Stat., 495), which is as follows:

"Said commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Silas Sharpe, Orby Sharpe, Willie Florence Sharpe, Claude Sharpe, Edgar Sharpe, Fred Sharpe, Bala Sharpe, Emily Quaid, Benjamin W. Quaid, John T. Quaid, Fred A. Quaid, Frank B. Quaid, William J. Quaid, Vernon R. Quaid, Susan Lodiska Wells, Martha Elizabeth Wells, John Richardson Wells, Robert Benjamin Wells, Carrie Ellen Wells, James Herman Wells, Ethel Irene Wells, Mamie Lodiska Wells, Simerruda Ellen Tice, Julia May Tice, Elihu Quaid, William Ambrose Quaid, America J. Bennett, Luther H. Long, Columbus J. Long, Robert B. Long, Ester Loranie Bennett, Emma Elizabeth Smith, Earnest W. Long, Earnest Lee Long, Young Hara rington Quaid, John L. Quaid, William Quaid, Lillie M. Quaid, Charles R. Quaid, Rebecca Emily Quaid, Maggie Bell Strother, Emily G. Imman, America Elizabeth Chapman, Thomas Harrington Chapman, Napoleon Bonapart Chapman, Emily Jane Reed, Thomas Quaid, Thomas D. Quaid, Uler May Quaid, Simpson W. Quaid, John Valley Quaid, Josie L. Quaid, Marie M. Quaid, Eae Harrington Quaid, Minnie Nugent, Thonie May Nugent, Simpson M. Moore, Felix F. Moore, Lillie Moore, Andrew H. Moore, Mollie Moore, Lemuel Moore, Minnie Moore, Felix F. Moore (2), Walter L. Moore, Fena V. Moore, Mary Moore, Rosa J. Moore, Janice Moore, John R. Moore, Walter D. Moore, Rosa Moore, Mary Moore, Benson W. Moore, Lizzie Hearst, Bruce Hearst, Thomas L. Moore, Oscar Moore, John A. Moore, Willis Moore, Rosa Moore, Clarence Moore, Mollie E. Pirtle, Roscoe Pirtle, Monnie Pirtle, Consoucia Pirtle and Roselle Pirtle as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

Very truly

You are further advised that the Commission has on this
date forwarded the report in this case to the Secretary of the
Department for review and you will be informed in due time of such
action as may be taken by him.

Very truly

SIGNED:

James Dixby
Acting Chairman

Registered

M.C.R. 4569

Muskogee, Indian Territory, July 14, 1903.

Booby Moore,

Remailed Bartley J. T. Aug. 19/03
Durant, Indian Territory.

Dear Madam:

The Secretary of the Interior with his letter of May 22, 1903, remanded to this Commission the record theretofore forwarded to the Department in the consolidated Mississippi Choctaw case of Silas Sharpe, et al., with instructions that the applicants be granted an opportunity to introduce further testimony in support of their claims.

The record in this case shows that the applicants claim descent from Nancy Moore who is alleged to have been a full blood Choctaw Indian whose husband was John Moore, a white man.

The records of the Government relating to persons who complied or attempted to comply with the provisions of Article 14 of the treaty of 1830 show that a person named John Moore was a beneficiary under said 14th article of the treaty of 1830.

The Secretary of the Interior in his letter states: "It is considered possible that the ancestors of these applicants may have been the identical persons referred to in the reports of the Indian Office who were apparently entitled to the benefits of Article 14 of the treaty of 1830."

B.M.-----2

The Commission is directed to advise you that said records relating to the compliance of persons with the provisions of article 14, contain certain information, as of the year 1830, relative to the persons whose names appear thereon, shewing:

1st. Their description.

2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road.)

3rd. Their Choctaw as well as their English names.

4th. The names and number of the persons who composed their families.

5th. The names of their neighbors and immediate associates,

and that for the purpose of comparison, testimony of like character should be furnished relative to the applicant's ancestors.

You are advised that the Commission is averse to the acceptance of ex parte affidavits in support of Mississippi Choctaw cases, and prefers, whenever possible, to have the personal appearance of witnesses for examination under oath. In the event that such witnesses are unable to make personal appearance on account of old age or infirmity, or are non-residents of Indian Territory, their depositions may be considered when taken in conformity with the rules

B.M.-----3

and regulations governing the procedure in the taking and submission of depositions in support of applications for identification, as Mississippi Chetawa, a copy of which rules and regulations is herewith enclosed.

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Friday, August 14, 1903, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of the above case.

Respectfully,

Commissioner in Charge.

Registered.

X 6 R 4340

Neepawa, Indian Territory, August 18, 1903.

Mr. Moore,

Bentley, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your postal card, without date, in which you give change of your post office address to Bentley, Indian Territory. A proper record has been made of the same.

Respectfully,

Commissioner in Charge.

COMMISSIONERS:
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRICKWATER.
WM. O. NEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

W. O. B.

REFER TO FILE TO THE FOLLOWING:
M.C.R. 4560.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, July 23, 1904.

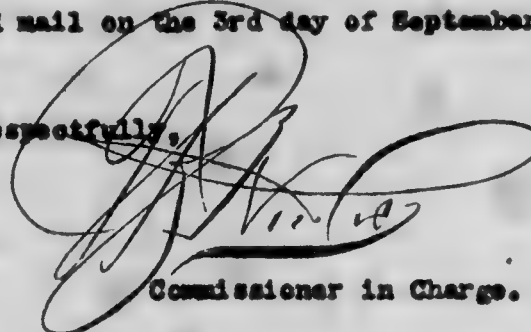
Booby Moore,

Bentley, Indian Territory,

Dear Sir:-

You are hereby notified that on the 13th day of July, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Silas Sharpe et al., of which decision you were advised by registered mail on the 3rd day of September, 1902.

Respectfully,



Commissioner in Charge.

M.C.R. 4569.

COPY

Muskogee, Indian Territory, November 15, 1906.

Booby Moore,

Bentley, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior on November 5, 1906, denied the motions filed with this office by W. Chenault, attorney at law, Sulphur, Indian Territory, on June 25, 1906, for a rehearing in the consolidated Mississippi Choctaw case of Silas Sharpe, et al.

Respectfully,

SIGNED *Wams Pixby*
Commissioner.

Refer in reply to the following:

MB
M C R 4560

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

W.A.

Muskogee, Oklahoma, June 12, 1909.

Mr. Booty Moore,
Bentley, Oklahoma,

Sir:

You are hereby advised that on May 28, 1909, the Secretary of the Interior held that the consolidated Mississippi Choctaw case of Elias Sharpe, et al., is not analogous to that of John E. Golsby (211 U. S. 249) and that he can take no action looking to the enrollment of any of the applicants therein under the opinion of the Supreme Court of the United States of November 30, 1908, in the said Golsby case.

Respectfully,

Thos. Ryan
Acting Commissioner.

AB

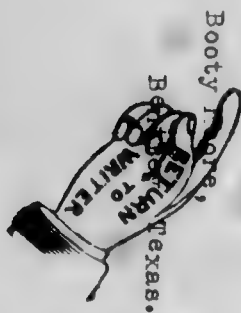
Office

General Office

4520

Department of the Interior
Commission to the Five Civilized Tribes
MUSKOGEE, IND. TERR.

Advising that Secretary of the Interior has refused application for identification as a Miss Choctaw.



unknown





DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
AUG 18 1904

A handwritten signature in dark ink, appearing to be "T. H. Smith".

CHAIRMAN

Date

JAN 24 1902

Name Booty Moore,

Age 23. Blood '18

Post Office, Naurant, D. T.

Father: Seaton Moore, d

Mother: Victoria Quaid, c

Claims through father.

~~Claims~~

Claims for ^{him} self.

Stenographer Cal Beelford.

Choctaw MCR 4561

John Rodgers
for

Margaret Rodgers

See MCR 4526

MCR 4561

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, I.T. January 24, 1902.

4561

In the matter of the application of John Rodgers for the identification as Mississippi Choctaws of his mother, Margaret Rodgers and his brother Nathan Rodgers.

Applicants not represented by attorney.

John Rodgers having been first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A John Rodgers.
Q What is your age? A I am twenty-nine years old.
Q Are you the same John Rodgers who made application for identification as a Mississippi Choctaw before the Commission at Muskogee January 17, 1902? A Yes sir.
Q At that time did you seek to make application for your mother and brother both of whom are invalids? A Yes sir.
Q You had not at that time had you the certificate from the Doctor stating their disability and held a power of attorney to make application in their behalf? A No sir.
Q You now come before the Commission to make application for your brother Nathan Rodgers and your mother Margaret Rodgers? A Yes sir.
Q Who is Doctor A. T. Waring? A That is our family Doctor.
Q He signed this certificate did he and states that your mother Margaret M. Rodgers is confined to her bed a paralytic? A Yes sir.
Q And that your brother Nathan Rodgers is suffering from general debility and cannot get around only on crutches? A Yes sir.
Q You present here a power of attorney, purporting to be signed by Margaret Rodgers, your mother and by Nathan Rodgers, your brother, in which they give you power to appear before the Commission here at Muskogee, Indian Territory, and make application for identification as Mississippi Choctaws because they themselves are not able to appear? A Yes sir.
Q And was this signed on January 21, 1902? A Yes sir.
Q So upon the strength of this Doctor's certificate and this authority purporting to be a power of attorney you appear to-day to make application for your mother Margaret Rodgers and her son Nathan Rodgers? A Yes sir.
Q Your name is John Rodgers is it? A Yes sir.
Q What is your age? A Twenty-nine.
Q What is your post office address? A Marietta, Texas.
Q How much Choctaw blood do you claim? A Well I claim one-half.
Q Is that the claim you made when you made your application before the Commission? A Yes sir.
Q Is your father living? A No sir.
Q Mother living? A Yes sir.
Q What is your father's name? A Paten Rodgers.
Q Your mother's name is what? A Margaret Rodgers.
Q You make application for the identification of your mother Margaret Rodgers, do you? A Yes sir.

#2

Q What is her post office address? A Marietta, Texas.
Q How old is your mother? A Seventy years old.
Q How much Choctaw blood do you claim she had? A One-half.
Q What is her father's name? A Wilder Cooks.
Q What was her mother's name? A Maria Cooks.
Q Her father living or dead? A Her father?
Q Yes? A Well we don't know of him.
Q How about the mother; is she living or dead? A We don't know of her either.
Q How much Choctaw blood did her father have; Wilder Cooks? A He was one half.
Q And one-half negro? A No sir, white.
Q How much Choctaw blood did her mother have? A One-half.
Q One-half Choctaw? A Yes sir.
Q And the other half was what? A Negro.
Q She claimed to be one half Choctaw claiming through both of her parents; father and mother? A Yes sir.
Q Were her parents ever recognized in any way or enrolled as members of the Choctaw tribe of Indians in Indian Territory, by either the Choctaw tribal authorities, or the United States authorities? A No sir.
Q Have you the marriage license and certificate of the marriage between your mother's father and mother? A No sir.
Q Can you produce them if given time? A No sir they were married by permission of the masters.
Q Oh! they were slaves? A Yes sir.
Q After they were liberated, after the War, did they live together as man and wife? A Yes until my father died.
Q Well I am asking you about your mother's father and mother, did they live together? A Yes sir. ----
Q What was you going to say? A They lived together, her father was a free man and was hired to my mother's master and then after his term was up he went back to Mississippi and my mother separated then.
Q Well Wilder Cooks was not a slave? A No sir.
Q But his wife was? A Yes sir.
Q Your mother Margaret was a slave? A Yes sir.
Q And was her husband's name Paten Rodgers? A Yes sir.
Q Now do you make application for any one else besides your mother at this time? A Yes sir, my brother.
Q You apply for your brother? A Yes sir.
Q What is his name? A Nathan.
Q How old is he? A Thirty-four.
Q How much Choctaw blood do you claim for him? A One-half.
Q Do you claim---what is the other half, Negro? A Yes sir.
Q What is his post office address? A Marietta, Texas.
Q Was his father's name Paten Rodgers? A Yes sir.
Q Was he a white man, Indian or Negro? A He was Indian and Negro.
Q How much Indian? A He is a half Indian.
Q And one-half Negro? A Yes sir.
Q Slave before the War? A Yes sir.
Q Nathan Rodgers' mother's name is Margaret Rodgers for whom you now make application? A Yes sir.
Q You claim one-half Choctaw blood for her? A Yes sir.
Q And one half Negro? A Yes sir.
Q You claim one half for Nathan because his father was one half Choctaw and his mother was one half Choctaw Indian? A Yes sir.
Q You make application for your brother Nathan at this time because of his permanent disability and his inability to come here? A Yes sir.

#3

- Q Have the parents of Nathan Rodgers your brother, ever been recognized in any way or enrolled as members of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No sir.
- Q I think you stated that your father and mother were married by permission of your mother's master before the war? A Yes sir.
- Q Was your father a free man? A My father?
- Q Yes? A No sir.
- Q I was asking you about Nathan Rodgers father and mother? A They were both slaves.
- Q But were allowed to live together as man and wife by their respective masters? A Yes sir.
- Q And continued to live together as husband and wife? A Yes until Paton Rodgers died.
- Q Is the name of your mother, Margaret Rodgers, or the name of your brother Nathan Rodgers upon any of the tribal rolls of the Choctaw Nation, in Indian Territory? A No sir.
- Q Have they ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities in Indian Territory? A No sir.
- Q Have they ever been admitted to citizenship in the Choctaw Nation by the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
- Q Have they ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.
- Q Have they ever made application for citizenship in the Choctaw Nation either to the Choctaw tribal authorities or the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
- Q Do you know come before the Commission for the purpose of making application for the identification of your mother Margaret Rodgers and your brother Nathan Rodgers presenting for your authority to do so this Doctors certificate of their physical disability and this instrument which purports to be a power of attorney authorizing you to make this application? A Yes sir.
- Q Do you make this claim for your mother and brother under the provisions of the fourteenth article of the treaty of eighteen hundred and thirty? A No sir.
- Q Well you did they other day, why don't you to day? A No answer.
- Q When you made your application here on January 17, 1923 for the identification of yourself and children you stated that you claimed under the provisions of article fourteen. At that time that article was read and explained to you. Now do you claim under it for your mother and brother or do you claim under the whole treaty of eighteen hundred and thirty? A Well I have forgotten. I don't exactly understand it.

Article fourteen was put into that treaty, the treaty of eighteen hundred and thirty, for the especial benefit of the Choctaw Indians who elected to remain in the old Choctaw Nation in Mississippi and Alabama after the treaty of eighteen hundred and thirty was ratified. The treaty of eighteen hundred and thirty some times called the treaty of Dancing Rabbit Creek because it was made at a place of that name in the state of Mississippi on the twenty-seventh of September of that year, was made for the purpose of removing all of the Choctaws from the old Choctaw Nation to the Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would refuse to go to the Indian Territory to the New Choctaw Nation and in order to protect their interests article

fourteen was put into that treaty. That article reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and one quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You claim under that article? A Yes sir.
- Q You understand that do you not? A Yes sir.
- Q Do you know whether any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article of that treaty? A No sir.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Margaret Rodgers.
- Q That is your mother? A Yes Ir.
- Q Who does she claim through? A Wilder Cooks and Maria Cooks.
- Qx How do you know that Wilder Cooks and his wife Maria Cooks had, either of them, any Choctaw blood? A My mother and also her master, I have often heard them say so.
- Q You say both of them were slaves, Wilder and Maria? A Not Wilder.
- Q He was half Choctaw and half white? A Yes sir.
- Q And Maria was half Choctaw and half Negro? A Yes sir.
- Q How old would Wilder Cook be if he were living now? A I don't know.
- Q How old would Maria Cooks be if she were living now? A I don't know.
- Q Did either of them live in Mississippi? A Wilder did.
- Q Did his wife ever live there? A Not that I knows.
- Q He lived there before he met her? A No sir afterwards.
- Q He met her and married then she died and he went back to Mississippi? A I don't know that she was dead.
- Q When did he go to Mississippi? A I don't know.
- Q At what age did he go to Mississippi? A Well he was about fifty my mother says.
- Q Where was he born? A In Mississippi.
- Q Where in Mississippi? A Well I don't know sir.
- Q At what age did he leave Mississippi? A Well sir I don't know that.
- Q Where did he go to? A He went to Virginia.
- Q Did he meet his wife in Virginia? A Yes sir.
- Q She was a slave in Virginia? A Yes sir.
- Q And they were married there? A Yes sir.
- Q And from Virginia he went where? A Back to Mississippi.
- Q Did Wilder Cooks speak the Choctaw language? A My mother said he did.
- Q Did Maria speak the Choctaw language? A No sir.
- Q Did either Wilder Cooks or his wife Maria live in Mississippi in eighteen hundred and thirty and have a family living there at that time? A Not that I know of.

- Q Did either of them own any improvements on land in Mississippi or Alabama in 1830? A Not that I know of.
- Q Did either of them go to the United States Indian Agent within six months after the ratification of the treaty of 1830 and tell him that they wanted to stay in Mississippi, take lands there and become citizens of the United States? A Not that I know of.
- Q Did either of them or any of your Choctaw ancestors go from the old Choctaw Nation in Mississippi and Alabama to the new Choctaw Nation, in Indian Territory, with the other Indians between the years 1833 and 1838? A Not that I know of.
- Q Did either of them own or claim any land in Mississippi or Alabama in the old Choctaw Nation under article fourteen of the treaty of eighteen hundred and thirty? A No sir.
- Q Did either of them own or claim any land or any benefits under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A Not that we know of?
- Q Did your mother's ancestors or your brother's ancestors, any of them if Choctaw Indians claim any benefits under any claim any benefits under any treaty made between the United States government and the Choctaw tribe of Indians other than the treaty of 1830? A No sir.

The Indians who stayed in Mississippi in eighteen hundred and thirty after the treaty made in that year was ratified between the Choctaw Indians and the United States government were required by the provisions of article fourteen of that treaty to go to the United States Indian Agent Colonel Ward within six months from the ratification of that treaty and tell him that they wanted to stay there and become citizens of the United States. They were then entitled under the provisions of that article, one provision of which was that they could hold land in Mississippi and if they lived on that land for five years they would get a deed from the government for it. A good many Indians went to Colonel Ward and attempted to register their names with him but he failed to put their names upon the list made by him and known as Ward's register. This neglect on the part of Colonel Ward resulted in many Indians to lose both their land and the improvements upon it. This caused a great many complaints to be made by the Choctaw Indians so that in 1837 Congress appointed a Commission which Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830 and made lists of their names. In 1842 Congress appointed another Commission for the same purpose for the same purpose under an act approved August 23, 1842 and this Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Did any of the Choctaw ancestors of your mother or did any of the Choctaw ancestors of your brother appear before either of these two Commissions and claim or prove any rights or prove that they had any under article fourteen of the treaty of 1830? A No sir.

The act of Congress approved August 23, 1842 provided that if any Choctaw Indian proved his claim under article fourteen of the treaty of Dancing Rabbit Creek, if it also further appeared that he had land taken from him in Mississippi by the government and sold that he should be entitled to select land either in Mississippi, Louisiana, Alabama or Arkansas to be taken from vacant government lands and that a certificate to that effect should be given him. These certificates at that time were called scrips.

- Q Did any of the Choctaw ancestors of your mother or your brother receive any such scrip from the government as Choctaw Indians?
A No sir.
- Q Aside from the application for identification as a Mississippi Choctaw made before the Commission at Muskegee, by you, on January 17, 1902, are there any other relatives of your mother or your brother who have come before the Commission? A No sir.
- Q Do you want to have their case considered with the application made you and the record in their case considered as part of the record in your case? A Yes sir.
- Q You want to have these three cases all considered together? A Yes sir.
- Q Have you any evidence that you want to present now or have you any witnesses that you desire to call to-day? A No sir.
- Q Do you care for any time in which to offer further evidence or testimony in this case? A No sir.
- Q Does your mother speak the Choctaw language? A No sir.
- Q Does your brother speak it.
- Q Give me a personal description of mother Margaret? A Well she is pretty bright complected; she is the color of that lady that was here the other day.
- Q I don't remember that lady; does she look like a white woman? No sir; she has straight hair, nearly gray.
- Q A little curly? A No sir, not as much curly--but it is a little wavy.
- Q It is not absolutely straight? A No sir.
- Q Eyes black? A Yes sir.
- Q She looks like a negro some? A Yes, some.
- Q How are her lips, thick? A No sir.
- Q Nose broad or narrow? A Narrow.
- Q Pretty dark? A Not so powerful dark.
- Q She is a negro alright? A Yes sir.
- Q How does your brother look? A He is brighter than me.
- Q How about his hair? A It is somewhat better than mine.
- Q What do you mean? A I mean it is more straight.
- Q Does he have dark eyes? A Yes sir.
- Q Thick lips? A No sir.
- Q How about the shape of his nose; broad or narrow? A Narrow.
- Q He is a negro? A Yes sir, he shows some negro.

This applicant as described when he made his own personal application on January 17, 1902, M.C. 4526, shows negro blood, curly hair, black eyes, dark complexion, thick lips and rather broad nose. Nathan Rodgers for whom he makes application is his own brother, having the same father and mother. It would seem from the description that he has given of his father and mother that they show traces of Negro blood. This applicant does not claim to have, judging from his personal appearance, the quantity of Choctaw blood which he claims, the negro characteristics being very strongly developed. Neither his mother Margaret nor his brother Nathan understand or speak the Choctaw language and neither of them have any knowledge of compliance on the part of their ancestors with any of the provisions of article fourteen of the treaty of 1830.

#7

An instrument purporting to be a power of attorney, executed by N. H. Rodgers and Margaret Rodgers, authorizing John Rodgers to make this application for their identification as Mississippi Choctaws presented by the said John Rodgers in this case and is hereby referred to as exhibit "A".

Deutors certificate showing the identity of said Nathan Rodgers and Margaret Rodgers presented by this applicant John Rodgers and the same is hereby referred to as exhibit "B".

I, Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on January 24, 1902, and that the above and foregoing is a full true and correct transcript of his stenographic notes in said cause on said date of January 1902.

Rosenwinkel

Subscribed and sworn to before me this 25th day of January 1902.

Clara Mitchell Wood
Notary Public.

COPY.

M.C.R.4561.

Wadegee, Indian Territory, October 26, 1902.

Margaret Rodgers,

Warietta, Texas.

Dear Madam:

You are hereby advised that on the 28th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John Rodgers, et al., embracing the following applications for identification as Mississippi Choctaw:

John Rodgers, et al., M.C.R.4526;
Margaret Rodgers, et al., M.C.R.4561;
John Barber, et al., M.C.R.4528.

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concluded as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John Rodgers, Lenora Rodgers, Essie Rodgers, Margaret Rodgers, Nathan Rodgers, John Barber, Emma Barber, Ora Barber, Eugene Barber, Rosene Barber, Arthur Barber, Annie May Barber, and Regina Barber, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty and that the applica-

M. R., 2.

tions for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

U. R. B. [Signature]
Commissioner in Charge.

Registered.

COPY.

M.C.R. 4561

Muskogee, Indian Territory, March 5, 1903.

Margaret Rodgers,
Care of John Rodgers,
Marietta, Texas.

Dear Madam:

You are hereby notified that on the 19th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John Rodgers, et al., of which decision you were advised by registered mail on the 28th day of October, 1902.

Respectfully,

(SIGNED).

Tams Bixby.

Chairman.

Date

Name John Rodgers

of John Rodgers
Age 29 Blood $\frac{1}{2}$ (claim of John Rodgers.)

of John Rodgers.
Post Office, Marietta, Texas

of John Rodgers.
Father: Paton Rodgers d

of John Rodgers.
Mother: Margaret Rodgers l.

Claims through

Applic: for his mother.

Margaret Rodgers, Age 70. $\frac{1}{2}$ chae Hon

Post Office, Marietta, Texas.

father, Wilder Coors. — $\frac{1}{2}$ chae $\frac{1}{2}$ w.

mother, Maria " — $\frac{1}{2}$ " $\frac{1}{2}$ neg

Children:

Applic: for brother,

Nathan Rodgers Age 34. $\frac{1}{2}$ chae

Post Office Marietta, Texas $\frac{1}{2}$ neg,

father Paton Rodgers, (d) $\frac{1}{2}$ chae $\frac{1}{2}$ neg,

mother, Margaret " (l) $\frac{1}{2}$ chae $\frac{1}{2}$ neg

Claims for his mother

and his brother.

Stenographer G. Rosenwinkel.

Choctaw MCR 4562

Margaret K. Aston

See MCR 4006

MCR 4562

Department of the Interior
Commission to the Five Civilized Tribes,
Muskogee, I.T. January 27, 1908.

4862

In the matter of the application for identification as Mississippi Choctaws of Margaret K. Aston for herself and for her minor daughter Belva Lockwood Aston.

Applicants represented by attorney J. G. Ralls.

Margaret K. Aston being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Margaret K. Aston.
Q A-s-t-o-n? A Yes sir.
Q What is your age? A Fifty-four.
Q What is your post-office address? A Valley View, Cook County.
Q Texas? A Yes sir.
Q How long have you lived in Texas? A About forty-five years I reckon. ----Since I was about seven years old.
Q Where were you born? A Mississippi.
Q What part of Mississippi? A Chickasaw or Choctaw or some County, it was near Mobile,-----Aberdeen.
Q Mississippi? A Yes sir.
Q When about eight or nine years old did you leave there and go to Texas? A When I was seven.
Q What Counties have you lived in in Texas? A Grayson, Collin and Cook Counties.
Q Your father living? A No sir.
Q Mother living? A No sir.
Q What was your father's name? A William T. Sanders.
Q What was your mother's name? A Nancy Jane Thompson was her maiden name.
Q Through which parent do you claim Choctaw blood? A Mother.
Q How much Choctaw blood do you claim? A One-sixteenth I believe they say.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A Not that I know of.
Q Are you married? A Yes sir.
Q What is your husband's name? A Hugh L. Aston.
Q He is living? A Yes sir.
Q You make any claim for him as Having Choctaw Indian blood? A No sir.
Q He is a white man? A Yes sir.
Q Have you any children under twenty-one years of age and unmarried that you want to make application for? A No sir.
Q Claim for yourself alone? A I have one but I am not going to register it.
Q You claim for yourself alone? A Yes sir.
Q You don't care to make application except for yourself? A No I don't think I can; I would like to make application for the child if I can.
Q You wish to apply for this child then? A Yes sir.
Q What is her name? A Belva Lockwood Aston.
Q How old is she? A Sixteen.
Q Is this child living with you at your home? A Yes sir.

- Q Is Hugh L. Aston the father? A Yes sir.
- Q You are the mother? A Yes sir.
- Q Is your name of the name of your child upon any of the tribal rolls of the Choctaw Nation in Indian Territory? A My name?
- Q Yes; or your child's name? A No sir.
- Q Have you ever made application for yourself or your daughter for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and daughter to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.
- Q Have you ever before this time sought to become enrolled as a member of the Choctaw tribe of Indians by applying either to the Choctaw tribal authorities or the United States authorities? A No sir.
- Q You never have been admitted or your child to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
- Q Do you now come before the Commission for the purpose of identifying yourself and your daughter as Mississippi Choctaws claiming under article fourteen of the treaty of eighteen hundred and thirty? A Yes sir.
- Q Do you understand that article of that treaty? A No sir I don't think that I do.

The treaty of eighteen hundred and thirty was made between the United States government and the Choctaw tribe of Indians at a place called Dancing Rabbit Creek in Mississippi on the twenty-seventh day of September eighteen hundred and thirty. The object of the treaty was to secure the removal of the Choctaw Indians who lived in the old Choctaw Nation from that old Choctaw Nation to the Choctaw Nation Indian Territory. Before the treaty was signed it became known that a good many Indians would not go to the Choctaw Nation, Indian Territory with the other Indians who removed under the treaty and in order to protect the interests of these Choctaws article fourteen was put into the treaty; then it was signed and afterwards on the 24th of February 1831 it was ratified. That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Did any of your ancestors comply or attempt to comply with any of the provisions of that article of that treaty as far as you know? A No sir.
- Q You understand that do you? A Yes sir.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A My grandmother.
- Q What was her name? A Kaziah Brashear.
- Q What relation was she to you? A Grandmother.
- Q Did she have any Choctaw blood? if so how much? A One-fourth is it, or one-eighth.
- Q If you don't know you can state that? A One-fourth.
- Q Did Kaziah Brashear speak the Choctaw language or have a Choctaw Indian name? A I don't know.
- Q Did she own any improvements on land in Mississippi or Alabama in eighteen hundred and thirty? A I don't know.
- Q Did she ever live in Mississippi or Alabama? A Yes sir.
- Q Do you know whether she lived in Mississippi in eighteen hundred and thirty and had a family there at that time? A No sir I do not.
- Q You claim through your mother? A Yes sir.
- Q You yourself lived in Mississippi? A Yes sir.
- Q You were born in Mississippi? A Yes sir.
- Q Did your mother live in Mississippi all of her life? A I don't think all of her life.
- Q Did she die in Mississippi? A No sir she died in Texas.
- Q How old would your mother be if she were living now? A About seventy-six.
- Q Was she born in Mississippi? A I declare I don't know.
- Q Was Kaziah Brashear her mother? A Yes sir.
- Q What was Kaziah Brashear's married name? A Thompson.
- Q What was her husband's name? A Fleming Thompson.
- Q Did she or any of your Choctaw ancestors within six months after the ratification of the treaty of eighteen hundred and thirty go to the United States Indian Agent Colonel Ward and tell him that they wanted to take land there and become citizens of the United States? A I don't know.
- Q Did any of your Choctaw ancestors go from the old Choctaw Nation to the New Choctaw Nation, Indian Territory, with the other Indians between the years 1833 and 1838? A I don't know.
- Q Did any of your Choctaw ancestors own any lands or any improvements on land in Mississippi or Alabama in eighteen hundred and thirty or any time before that? A Not that I know of.
- Q Did they receive any under article fourteen of that treaty? A I don't know.
- Q Did they receive any lands or own any in Mississippi or Alabama under any other article of the treaty of eighteen hundred and thirty than article fourteen or under the supplement of that treaty? A I don't know.
- Q Did you ever hear that any of your Choctaw ancestors ever received any benefits under any treaty made between the United States government and the Choctaw tribe of Indians other than the treaty of eighteen hundred and thirty? A No sir I did not.

The Indians who stayed back in Mississippi after the treaty of eighteen hundred and thirty was ratified refusing to go to the Choctaw Nation under that treaty with the other Choctaw Indians were required, in order to take advantage of article fourteen of the treaty of eighteen hundred and thirty, to go to the United States Indian Agent Colonel Ward, within six months after the ratification of the treaty and tell him that they wanted to stay

in Mississippi, wanted to take land there and become citizens of the United States. A good many Indians did this whose names Colonel Ward failed to put upon his list known as Ward's register. This caused a great many complaints among the Indians. On account of this neglect of the United States Indian Agent to make a proper record of all claimants who came before him under the treaty of eighteen hundred and thirty a good many Indians lost their land together with the improvements upon the land they held. These complaints were so numerous that Commissioners were appointed by act of Congress of March 3, 1837. These Commissioners went to Mississippi and heard claimants under article fourteen of the treaty of Dancing Rabbit Creek. In 1842 another Commission was appointed by act of Congress approved August 23, 1842, for the same purpose. This commission also went to Mississippi and heard claimants under article fourteen of that treaty.

- Q Did any of your Choctaw ancestors go before either of these two Commissions and claim benefits as Choctaw Indians? A Not that I know of.

The act of Congress approved August 23, 1842 provided that if any Choctaw Indian proved his claim under article fourteen of the treaty of eighteen hundred and thirty, and if it also appeared that he had previously owned land in Mississippi which the government had taken from him and sold he should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant government land and that a certificate to that effect should be given him. These certificates were called scrip.

- Q Did any of your Choctaw ancestors ever receive any scrip from the government as Choctaw Indians? A Not that I know of.
Q Have you any other evidence or testimony that you want to present now in support of this claim? A

By attorney; Not at Present.

By the Commission:

- Q Would you like time in which to introduce further evidence? A

By attorney; Yes sir.

By the Commission:

A reasonable time will be allowed this applicant in which to introduce further proper testimony or evidence in support of this application.

- Q Do you speak or understand the Choctaw language? A No sir.
Q Is there anything more you want to say? A Not that I know of.
Q Can you give the names of some of your relatives who have been here before the Commission and applied for identification as Mississippi Choctaws? A Scott Dumas, Lewis Dumas, Dick Pierce, Ben Dumas, D. H. Dumas.
Q And others? A Yes sir.
Q These are all relatives of yours? A Yes sir.
Q They all claim through the same common ancestor that you do? A Yes sir.
Q You want to have their testimony considered with yours? A Yes sir

This applicant has the physical appearance and characteristics of being descended from white parentage, light complexion, hair somewhat gray, formerly light. She does not understand the Choctaw language and has no knowledge of compliance on the part of her ancestors with any of the provisions of the fourteenth article of the treaty of 1830.

G. Rosenwinkel being duly sworn upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on January 27th 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of January 1902.

Subscribed and sworn to before me this 29th day of January 1902.

Charles Mitchell Wood
Notary Public.

COMMISSIONERS

TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

COPY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M. C. R. 4562.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, May 15, 1903.

Margaret E. Aston,
Valley View, Texas.

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Scott S. Dumas, et al., embracing the following applications for identification as Mississippi Choctaws:

Scott S. Dumas, et al.,	M. C. R. 4006
Miles G. Lantrip,	M. C. R. 4737
Mary P. Phillips, et al.,	M. C. R. 4738
Isom Lantrip,	M. C. R. 4739
William T. Brasher, et al.,	M. C. R. 4740
Andy Brasher, et al.,	M. C. R. 4741
Robert L. Brasher,	M. C. R. 4742
Albert Collums,	M. C. R. 4743
James S. Collums,	M. C. R. 4744
Thaddeus W. Dumas,	M. C. R. 5737
Aurelius W. Dumas,	M. C. R. 5726
Alexander Dumas, et al.,	M. C. R. 6113
Sharkey H. Roth,	M. C. R. 5845
Mary E. Carothers, et al.,	M. C. R. 5700
Carrie McConico, et al.,	M. C. R. 5520
Bernard A. Williams, et al.,	M. C. R. 5144
Maud Cain, et al.,	M. C. R. 5807
Claude A. Grantham, et al.,	M. C. R. 5714
James J. Dumas, et al.,	M. C. R. 5717
Sydney L. Dumas,	M. C. R. 5803
Adella Caroline Hardin, et al.,	M. C. R. 5698
Lulu K. Smith, et al.,	M. C. R. 5699
Benjamin F. Dumas,	M. C. R. 4521
James D. Dumas, et al.,	M. C. R. 4524
Ennis Palmer, et al.,	M. C. R. 5857
Maud Terry, et al.,	M. C. R. 4525
Lottie McCoy,	M. C. R. 4522
Jane E. McCreary,	M. C. R. 4523
Mary C. L. Hollis, et al.,	M. C. R. 4222
William H. Hollis, et al.,	M. C. R. 4311
Lawrence W. Hollis, et al.,	M. C. R. 4310
Minnie H. Nicolds, et al.,	M. C. R. 4312
Mary C. McLeod, et al.,	M. C. R. 4313
Hattie E. Andrews, et al.,	M. C. R. 4314
Charlie T. Skinner, et al.,	M. C. R. 4315

Thomas H. Hollis,	M. C. R. 4309
Blanche G. Merchant,	M. C. R. 4223
Lawrence W. Dumas, et al.,	M. C. R. 5731
Mary A. Wade, et al.,	M. C. R. 5822
Willie P. Dumas, et al.,	M. C. R. 5810
John R. Dumas, et al.,	M. C. R. 5701
Carrie A. Wilkerson, et al.,	M. C. R. 5703
Maggie Ida Dumas,	M. C. R. 5702
William P. Mims,	M. C. R. 5985
Ransom E. Mims, et al.,	M. C. R. 5858
Frank E. Dumas,	M. C. R. 5732
Ben M. Dumas,	M. C. R. 5811
Edward W. Blakey, et al.,	M. C. R. 5425
Nannie Black, et al.,	M. C. R. 4185
Charles H. Black,	M. C. R. 4200
Ammon Wood, et al.,	M. C. R. 4202
Willie Wood,	M. C. R. 4203
Ellington Wood,	M. C. R. 4199
Edna Fry,	M. C. R. 4286
Robert B. Shipp, et al.,	M. C. R. 4285
Maria J. Crawford, et al.,	M. C. R. 4115
Majie J. Crawford Cole, et al.,	M. C. R. 4116
Elizabeth Baxter Caldwell, et al.,	M. C. R. 4114
Jennie B. H. Calhoun, et al.,	M. C. R. 4117
J. M. Crawford, et al.,	M. C. R. 4094
Robert H. Crawford,	M. C. R. 4164
Edna M. Folliard, et al.,	M. C. R. 4168
Everett B. Crawford, et al.,	M. C. R. 4165
Edwin R. Crawford,	M. C. R. 4077
Pinkie Creager, et al.,	M. C. R. 4169
Fannie Sharp, et al.,	M. C. R. 4433
George H. Gresham,	M. C. R. 4098
Oliver P. Gresham, et al.,	M. C. R. 4095
Robert O. Gresham, et al.,	M. C. R. 4201
Erma Biglow,	M. C. R. 4435
David E. Dumas,	M. C. R. 4651
DeBerry G. Dumas, et al.,	M. C. R. 4119
Birdie D. Carlet, et al.,	M. C. R. 4123
Mack O. Dumas,	M. C. R. 4658
Susan M. Hendricks,	M. C. R. 4121
Onia Ann Stephens, et al.,	M. C. R. 4096
Jackson E. Hendricks, Jr., et al.,	M. C. R. 4126
Mary H. Decker, et al.,	M. C. R. 4122
Helen Martin, et al.,	M. C. R. 4097
John W. Dumas,	M. C. R. 5012
Ada B. Ewing, et al.,	M. C. R. 4284
Minnie P. Dumas,	M. C. R. 5011
Malinda Blanks, et al.,	M. C. R. 4118
William C. Blanks, et al.,	M. C. R. 4135
Robert E. Blanks, et al.,	M. C. R. 4139
Nora E. Binford,	M. C. R. 4125
Birdie A. Wilson, et al.,	M. C. R. 4184
Albert G. Dumas, et al.,	M. C. R. 4631
Roxanna Freeman, et al.,	M. C. R. 4850
Arizona Elizabeth Daniels, et al.,	M. C. R. 4633
Dixie Dumas Connolly, et al.,	M. C. R. 4632
Maude Florence Clark, et al.,	M. C. R. 5713
May L. Brown,	M. C. R. 5725

Murat Dumas, et al.,	M. C. R. 5715
Lula A. Dumas,	M. C. R. 5716
Lena Fulton, et al.,	M. C. R. 4144
Lauren Scott Cannon, et al.,	M. C. R. 4145
Eula Umphress, et al.,	M. C. R. 4146
Pearl Barron, et al.,	M. C. R. 4147
James W. Wheat, et al.,	M. C. R. 4695
Ivy A. Fowler,	M. C. R. 4696
Dan H. Dumas, et al.,	M. C. R. 3766
Eula D. Shivel,	M. C. R. 4075
Walter W. Dumas,	M. C. R. 4015
James P. Dumas,	M. C. R. 3503
Travis M. Dumas, et al.,	M. C. R. 4007
Verna J. Dumas, et al.,	M. C. R. 4140
Laura D. Cole, et al.,	M. C. R. 4141
Victoria J. Pierce, et al.,	M. C. R. 4066
Lee W. T. Herman,	M. C. R. 4254
Annie B. Wallace, et al.,	M. C. R. 4250
Louis Dumas, et al.,	M. C. R. 4014
Belle Leslie, et al.,	M. C. R. 4067
John F. Sanders, et al.,	M. C. R. 5445
Nancy J. Whorton, et al.,	M. C. R. 5446
James L. Sanders,	M. C. R. 5560
Julia A. Wells,	M. C. R. 5559
Ensley M. Sanders, et al.,	M. C. R. 5804
Cora C. Bond, et al.,	M. C. R. 4620
Margaret K. Aston, et al.,	M. C. R. 4562
Mary Jane Damron, et al.,	M. C. R. 5805
William E. Aston, et al.,	M. C. R. 4583
Vic Damron, et al.,	M. C. R. 4619
Cynthia Jane Dicken, et al.,	M. C. R. 4582
William T. Sanders, et al.,	M. C. R. 5444
James P. Sanders, et al.,	M. C. R. 4069
Missieniah Ellison, et al.,	M. C. R. 4154
Lillie Page, et al.,	M. C. R. 4155
Walter H. Thompson,	M. C. R. 4142
Jeff D. Thompson, et al.,	M. C. R. 4016
Mary A. Ferguson, et al.,	M. C. R. 4772
Vergie J. Powers, et al.,	M. C. R. 4773
Willie E. Ferguson, et al.,	M. C. R. 4774
Alonzo A. Ferguson,	M. C. R. 4775
Sue A. Thompson, et al.,	M. C. R. 4389
Ada Thompson,	M. C. R. 4076
Emma C. Canon, et al.,	M. C. R. 3414
Winnie D. Canon,	M. C. R. 3415
Delmer Canon,	M. C. R. 3761
George Thompson, et al.,	M. C. R. 3756
George Homer Thompson,	M. C. R. 3757
Ida Sandford,	M. C. R. 3759
Lula Thompson Noe, et al.,	M. C. R. 3760
Verner L. Dumas,	M. C. R. 5719
James Don Dumas, et al.,	M. C. R. 5720
Claude E. Dumas, et al.,	M. C. R. 5721
Missie E. Biggerstaff, et al.,	M. C. R. 5722
Nettie A. Woolverton,	M. C. R. 6185
Elizabeth Wood,	M. C. R. 6268
Eula P. Niswander, et al.,	M. C. R. 6342
Lawrence L. Thompson, et al.,	M. C. R. 6373

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Scott S. Dumas, Ruth Dumas, Miles G. Lantrip, Mary P. Phillips, Early E. Phillips, Esther E. Phillips, Maud E. Phillips, Leo R. Phillips, Myrtle Phillips, Leland Phillips, Durelle Phillips, Rex Phillips, Isom Lantrip, William T. Brasher, Maltz Brasher, Vaudy Brasher, Cordy Brasher, Andy Brasher, Ada Brasher, William C. Brasher, Robert L. Brasher, Albert Collums, James S. Collums, Thaddeus W. Dumas, Aurelius W. Dumas, Alexander Dumas, Dixie M. Dumas, Melville Sidney Dumas, Charles I. Dumas, Sharkey H. Roth, Mary E. Carothers, Ida Blanche McClurg, Susie May McClurg, Ada Maud McClurg, Monroe McClurg, Carrie McConico, Nannie May Mobley, Henry Pope Mobley, Willie McConico, Bernard A. Williams, Marcella Williams, John Williams, Vernie Williams, Maud Williams, Hattie Williams, Maud Cain, John Joseph Cain, Ida May Cain, Claude A. Grantham, Claudia May Grantham, James J. Dumas, Lawrence Dumas, Sydney L. Dumas, Adella Caroline Hardin, Ollie Caroline Hardin, Clyde Abraham Hardin, Lula K. Smith, Opal Smith, Benjamin F. Dumas, James D. Dumas, Abbie A. Dumas, James H. Dumas, Gladys Dumas, Benjamin Dumas, Ennis Palmer, Edgar Palmer, Erbert Palmer, Maud Terry, Moina Terry, Dumas Terry, Millwee Terry, Lottie McCoy, Jane E. McCreary, Mary C. L. Hollis, Linnie L. Hollis, William H. Hollis, William H. Hollis, Jr., Lawrence W. Hollis, Eva M. Hollis, Lawrence W. Hollis, Jr., Beatrice M. Hollis, Scott W. Hollis, Minnie H. Nicolds, Richard Nicolds, Hollis Nicolds, Kate Nicolds, Edward Nicolds, Minnie Nicolds, Mary C. McLeod, Mary L. McLeod, Hattie E. Andrews, Max E. Andrews, Jr., Hattie E. Andrews (2), Charlie T. Skinner, Blanche L. Skinner, Thomas H. Hollis, Blanche G. Merchant, Lawrence W. Dumas, Mollie T. Dumas, Annie C. Dumas, Katie L. Dumas, Janie S. Dumas, Lawrence W. Dumas, Jr., Mary A. Wade, Edgar D. Wade, Glennan A. Wade, Willie P. Dumas, Jennie W. Dumas, Clark G. Dumas, Faris Dumas, John R. Dumas, Walter A. Dumas, Justin R. Dumas, Carrie A. Wilkerson, James A. Wilkerson, Walter D. Wilkerson, Maggie Ida Dumas, William P. Mims, Ransom E. Mims, Oscar M. Mims, William T. Mims, Frank E. Dumas, Ben M. Dumas, Edward W. Blakey, Edna Blakey, John Blakey, Nannie Black, Catherine Black, Charles H. Black, Ammon Wood, Willie A. Wood, Leslie B. Wood, Willie Wood, Ellington Wood, Edna Fry, Robert B. Shipp, Ruby B. Shipp, Maria J. Crawford, Lucille Crawford, Ghent Crawford, Ed S. Crawford, Jr., Jodie F. Crawford, Majie J. Crawford Cole, Jewel I. Cole, James A. Cole, Susie M. Cole, Christine Cole, Majie Douglass Cole, Elizabeth Baxter Caldwell, Mabel E. Caldwell, Jodie Lee Caldwell, Jennie B. H. Calhoun, Owen H. Calhoun, Edwin C. Calhoun, J. M. Crawford, Edwin Diekey Crawford, Hattie May Crawford, James M. Crawford, Jr., Ellen Lee Crawford, Robert H. Crawford, Edna M. Folliard, Crawford J. Folliard, Aileen Folliard, Cecil H. Folliard, William Richard Folliard, Everett B. Crawford, Everett B. Crawford, Jr., Edwin R. Crawford, Pinkie Creager, Margaret E. Creager, Fannie Sharp, Dan M. Sharp, Charlotte Jane Sharp, George H. Gresham, Oliver P. Gresham, Lizzie D. Gresham, Frances Margret Gresham, Robert O. Gresham, Hill Campbell Gresham, Erma Biglow, David E. Dumas, DeBerry G. Dumas, Walter A. Dumas, Birdie D. Carlet, Glenna W. Carlet, Helen C. Carlet, Mack O. Dumas, Susan M. Hendricks, Onia Ann Stephens, Leno A. Stephens, Harold Richard Stephens, Louise Stephens, Vernon Stephens, Charles Edwin Stephens, Jr., Jackson E. Hendricks, Jr., Hallie H. Hendricks, Ruth Hendricks, Rubie Hendricks, Mary H. Decker, William H. Decker, Jr., Susan H. Decker, Helen Martin, Vera Martin, Alma Martin, Samuel Martin, John W. Dumas, Ada B. Ewing, Freda Ewing, Mabel Ewing, Minnie P. Dumas, Malinda Blanks, Arthur Blanks, William C. Blanks, Ruth J. Blanks, Mary G. Blanks, Robert E. Blanks, Robert E. Blanks, Jr., Nora E. Binford, Birdie A. Wilson, John H. Wilson, Albert G. Dumas, Arline Dumas, Lisle Dumas, Dixie D. Dumas, Roxanna Freeman, William Clyde Freeman, Arizona Elizabeth Daniels, Stafford Livonia Daniels, Dixie Dumas Connolly, Sybil Connolly, Frank C. Connolly, Maude Florence Clark, Irene L. Clark, May L. Brown, Murat Dumas, Eugene Dumas, Lula A. Dumas, Lena Fulton, J. Harold Fulton, Clifford C. Fulton, Lauren Scott Cannon, Josiah R. Cannon, Kathleene Cannon, Eula Umphress, Carl C. Umphress, Helen M. Umphress, Pearl Barron, Guyon Elizabeth Barron, James W. Wheat, Dumas Wheat, Ivy A. Fowler, Dan H. Dumas, Harriet Pinkey Dumas, Eula D. Shivel, Walter W. Dumas, James P. Dumas, Travis M. Dumas, Lige F. Dumas,

Verna J. Dumas, Hazel A. Dumas, Laura D. Cole, Dorothy Cole, Victoria J. Pierce, Louis Pierce, Arthur Pierce, Lee W. T. Herman, Annie B. Wallace, Gladys Wallace, Marvin Wallace, Hortense Wallace, Ferrol Wallace, Louis Dumas, Ward Lamon Dumas, Fred Dumas, Mary A. E. Dumas, Belle Leslie, Gerline Leslie, Mae D. Leslie, Lloyd Leslie, Karl Leslie, John F. Sanders, Robert D. Sanders, Cynthia Beatrice Sanders, Turner Lee Sanders, Nancy J. Whorton, Mabel Whorton, James L. Sanders, Julia A. Wells, Emsley M. Sanders, Dottie Sanders, Cora C. Bond, Callie Bond, Ray M. Bond, Clede Bond, Margaret K. Aston, Belva Lockwood Aston, Mary Jane Damron, Emma J. Damron, Claud M. Damron, Maud Damron, Lila C. Damron, Walter W. Damron, Minnie Damron, Mamie Damron, Joseph Scott Damron, William E. Aston, Eula M. Aston, Verna D. Aston, Texanna Aston, Willie Eunice Aston, Lonie H. Aston, William Edward Astou, Jr., Vic Damron, Clara Bell Damron, Hugh Ella Damron, Jimmie Otha Damron, Nora May Damron, Willie Monroe Damron, Cynthia Jane Dicken, John R. Ferguson, William T. Sanders, Louis Burke Sanders, Wilda D. Sanders, James P. Sanders, Nellie Sanders, Cora Sanders, Olive Sanders, Missieniah Ellison, Lena Nichols, Alma Ellison, Lillie Page, Marie Page, Catharine Page, Walter H. Thompson, Jeff D. Thompson, Clarence E. Thompson, James A. Thompson, Willie L. Thompson, Madeline F. Thompson, Gracie L. Thompson, Elsie Thompson, Mary L. Thompson, Minnie L. Thompson, Essie B. Thompson, Myrtle Thompson, John L. Thompson, Mary A. Ferguson, Julia A. Ferguson, Jeff Ferguson, Scotty S. Ferguson, Georgie B. Ferguson, Loverd E. Ferguson, Vergie J. Powers, Murray Powers, Maybell Powers, Willie E. Ferguson, Vergie B. Ferguson, Frank G. Ferguson, Alonzo A. Ferguson, Sue A. Thompson, May Thompson, Ada Thompson, Emma C. Canon, Emsley J. Canon, Alexander Canon, Tullie Clyde Canon, Winnie D. Canon, Delmer Canon, George Thompson, Charlie W. Thompson, Luther Bell Thompson, Mary Gertrude Thompson, George Homer Thompson, Ida Sanford, Lula Thompson Noe, Chester William Noe, Verner L. Dumas, James Don Dumas, Ella May Dumas, Claude E. Dumas, Jim Dumas, Missie E. Biggerstaff, Dora Biggerstaff, John M. Biggerstaff, Winnie Biggerstaff, Gladys Biggerstaff, Nettie A. Woolverton, Elizabeth Wood, Eula P. Niswander, Mildred Niswander, Lawrence L. Thompson, Mildred Bell Thompson, Lawrence L. Thompson, Jr., Cornelia Elizabeth Thompson and Willie Thompson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

Sam D. Dickey

Chairman.

Registered.

MOR 4562

COPY.

Muskogee, Indian Territory, January 22, 1906.

Margaret K. Aston,
Valley View, Texas.

Dear Madam:

You are hereby notified that the Secretary of the Interior on January 5, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, refusing the applications of the several persons in the consolidated Mississippi Choctaw case of Scott S. Dumas, et al., of which the application for the identification of yourself and your child as Mississippi Choctaws, is a part.

Respectfully,

Wm. S. Dumas, Jr.

Commissioner.

No. 4562

For Identification as a Mississippi Choctaw.

Date JAN 27 1902

Name Margaret A. Aston,

Age 54 — Blood 1/16

Post Office, Valley View, Texas.

Father; William T. Sanders, d

Mother: Nancy J. " d

Claims through mother.

Husband,

Hugh L. Aston, b. w.

No claim for husband.

Children: Child.

Belva L. Aston, — 16

Claims for ~~self alone~~

and child —

G. R. R. R.

Choctaw MCR 4563

William D. Reynolds

See MCR 4228

MCR 4563

4563

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, January 22nd, 1902.

In the matter of the application of William D. Reynolds
for the identification of himself and one minor child, Lillie May,
as Mississippi Choctaws.

Said William D. Reynolds, being first duly sworn, testified
as follows:-

Examination by the Commission.

- Q What is your name? A William D. Reynolds.
Q How old are you? A Twenty-seven.
Q How much Choctaw blood have you? A A sixteenth.
Q What is your postoffice address? A Lynnville, Giles County,
Tennessee.
Q How long have you lived in Tennessee? A All my life.
Q Is your father living? A No sir.
Q What was his name? A Thomas C. Reynolds.
Q Is your mother living? A No sir.
Q What was her name? A Olivia.
Q Through which one of your parents do you derive your Choctaw
blood? A Mother.
Q How long has she been dead? A She has been dead about four
years.
Q About how old was she when she died? A She was about sixty-
three.
Q You claim she had one-eighth Choctaw blood? A Yes sir.
Q Through which one of her parents did she get her Choctaw blood?
A From her father.
Q What was his name? A Larkin Higdon.
Q He was one-quarter Choctaw? A Yes sir.
Q Did you ever see him? A No sir.
Q Where did he live? A He lived in Tennessee.
Q What place? A He lived in Giles County.
Q Do you know old he would be if he were living now? A No sir.
I do not know he would be up in eighty.
Q Did he speak or understand the Choctaw language? A I don't know.
Q Do you? A No sir.
Q On your mother? A I think not.
Q What was the name of your mother's mother? A I don't know-she
was a Quaker.
Q Do you know the name of Larkin Higdon's father or mother? A
His mother was Ann Bryan.
Q Did she have Choctaw blood? A Yes, she was half Choctaw.
Q Did you ever see her? A No sir.
Q Where did she live during her life time? A Well, part of her
life she lived in Tennessee, I think.
Q Where else did she live? A I don't know.
Q How long has she been dead? A I think it was between thirty-four
and thirty-five she died.
Q What was the name of Larkin Higdon's father? A John Higdon.
Q Do you know the name of Ann Bryan's father or mother? A No sir.
Q Through which one of her parents did she get her Choctaw blood?
A From her mother, I think.

William D. Reynolds et al--3

- Q Do you know what her name was? A No sir.
Q Her mother must have been a full blood Choctaw according to your statement? A Yes sir.
Q Did any of them ever live in Mississippi that you know of? A Not that I know of.
Q Are you married? A Yes sir.
Q What is your wife's name? A Alice.
Q Has she any Choctaw blood? A No sir.
Q You make no claim for her? A No sir.
Q Have you any children living? A One.
Q What is that child's name? A Lillie May.
Q How old is she? A Twenty months.
Q Is she the child of yourself and Alice Reynolds? A Yes sir.
Q Were you married to Alice under a license? A Yes sir.
Q Have you that license with you at this time? A Yes sir.

This paper which you offer appears to be a certificate of Dan L. Bellish, Clerk of the County court of Giles County, Tennessee, to the effect that on the 5th day of August, 1890, a marriage license was issued to W. D. Reynolds and Alice G. Webster and that said W. D. Reynolds and Alice G. Webster were married on that date by one Robert S. Brown, a minister of the gospel.

- Q You desire to offer this paper in evidence, do you? A Yes sir.

Said certificate is offered in evidence, identified as Exhibit "A", filed and made part of the records in this case.

- Q You haven't your license as you stated, but simply this paper?
A Yes sir, just that paper.
Q Have you any evidence of the marriage of your mother's father and mother? A No.
Q Do you know whether they were lawfully married? A Well, yes, I know it but I have no proof of it.
Q Do you know how long they lived together as man and wife? A They lived together twenty odd years.
Q How many children did they raise? A Seven.
Q This application is for yourself and one minor child, is that correct? A Yes sir.
Q Is your name to be found upon any of the Choctaw Tribal rolls in Indian Territory? A No sir, not as I know of.
Q Did you ever make application to the Choctaw Tribal authorities in Indian Territory to be admitted or enrolled as a member of that tribe? A No sir.
Q Have you ever made any application of any description before them? A No sir.
Q Did you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for your self and one minor child under article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.
Q Do you understand that 14th article of the treaty of Dancing Rabbit Creek? A No sir.

The treaty of Dancing Rabbit Creek was entered into here

in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw Tribe of Indians. At the time this treaty was made the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River part of which is now occupied by the greater portion of the Choctaw Tribe of Indians and is commonly known as the Choctaw Nation Indian Territory. At the time this treaty was made some of the Indians were unwilling to leave this country and for the benefit of those who wanted to stay here, what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who wanted to stay here might receive land here in Mississippi from the Government of the United States. That 14th article is as follows:-

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section for each child which may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of the States, for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservations shall include the present improvement of the head of the family or a portion of it. Persons claiming under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q That is the 14th article of the treaty of Dancing Rabbit Creek--do you think you understand that thoroughly? A Yes sir.

Q Did any of your ancestors ever comply or attempt to comply with the provisions of Article 14 of the treaty of Dancing Rabbit Creek? A I can't say.

Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A I couldn't say to that either.

Q Did any of them live here in the old Choctaw Nation in Mississippi and Alabama at that time? A I don't know.

Q Were any of them recognized members of the Choctaw Tribe of Indians at that time? A Yes sir, I think so.

Q Who of them were recognized members of the Choctaw Tribe of Indians 71 years ago? A I don't know.

Q You don't know that any of them were, do you? A No sir.

Q Did any of them remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1835 and 1836? A Not that I know of.

William D. Reynolds et al---4

Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here in Mississippi and become citizens of the States and take land? A I don't know.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A Not that I know of.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under any other article of that treaty or under the supplement to the treaty? A Not that I know of.

Q Did you ever hear of any of your ancestors ever having gotten any money from the Government? A No sir.

Q If, then, any of your ancestors ever received any benefits whatever as Choctaw Indians, you never have heard of it? A No sir, Never heard of it.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this Agent failed to register and report to the Government the names of many Indians who did in fact let him know that they wanted to stay here and on this account the Government, at its public land sales here in Mississippi, in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under article 14 of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed an act which was approved the 3rd day of March, 1857, providing for the appointment of a Commission to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek. This Commission was duly appointed by the President of the United States and the Commissioners came down here to Mississippi and heard a few of these Choctaw cases but in the time allowed them by the act of Congress under which they were appointed and a later act of Congress which was approved the 23rd day of February, 1858, providing for the continuance of this Commission, they were unable to dispose of but a comparatively small number of cases. It therefore became necessary for Congress to make further provision whereby the remainder of these Indians might be given hearings, so another act was passed which was approved the 23rd day of August, 1858, providing for the appointment of another Commission whose duty it should be to come down here to Mississippi and finish up the hearing of these cases. This Commission was duly appointed by the President of the United States and the Commissioners came down here to Mississippi in the fall and heard a great many of these Choctaw cases.

William D. Reynolds et al---5

Q Did any of your ancestors appear before either of these Commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A Not that I know of.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to select, in lieu thereof, land elsewhere in Mississippi or in Alabama, Louisiana or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any of this scrip from the Government of the United States under this act of Congress? A Not that I know of.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A I know a few but I don't know whether they know about that or not.

Q Have you any witnesses here today whose testimony you desire to have taken in support of your application? A No sir.

If you should find any witnesses whose testimony you desire to have taken in support of your application they may appear before us here at Meridian between now and the 15th of next month or within a reasonable time thereafter at the General Office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Are there any further statements you desire to make at this time in support of your application? A No, I suppose that's all.

Q Have you any brothers or sisters living? A I have three brothers.

Q Any sisters? A No.

Q What are the names of your brothers? A Ben Reynolds, Buckner Reynolds and George Reynolds.

Q Have any of them been before the Commission? A Ben has.

Q Where? A Muskogee, Indian Territory.

Q Any of the others? A No sir.

Q One of them is here today? A Yes sir.

Q Which one? A Buckner.

Q Have you any brothers or sisters dead? A Yes, I have two brothers dead and one sister.

Q Did any of them leave descendants? A No sir.

Q Are any of your mother's brothers or sisters living? A Yes sir, three brothers and one sister.

Q What are their names? A John Higdon.

Q Where does he live? A In Lawrence County, Tennessee.

Q Next one? A J. Mack Higdon.

Q Where does he live? A Pottsborough, Texas.

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U.S.D. 2500

Mustang, Indian Territory, July 14, 1900.

William B. Reynolds,

Attorney, Muskogee.

Dear Sir:

You are hereby advised that on the 10th day of July, 1900, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Henry A. G. Fry, et al., concerning the following applications for identification as Mississippi Choctaw:

Henry A. G. Fry, et al.,	U.S.D. 4226
Henry G. Fry, et al.,	U.S.D. 4246
David Louis Fry, et al.,	U.S.D. 4227
Allen B. Tidwell, et al.,	U.S.D. 4228
William W. Fry,	U.S.D. 4229
James B. Fry,	U.S.D. 4230
Thomas L. Hall, et al.,	U.S.D. 4231
James L. Tidwell, et al.,	U.S.D. 4232
James L. Tidwell, et al.,	U.S.D. 4233
James L. Tidwell, et al.,	U.S.D. 4234
James L. Tidwell, et al.,	U.S.D. 4235
James L. Tidwell, et al.,	U.S.D. 4236
James L. Tidwell, et al.,	U.S.D. 4237
James L. Tidwell, et al.,	U.S.D. 4238
James L. Tidwell, et al.,	U.S.D. 4239
James L. Tidwell, et al.,	U.S.D. 4240
James L. Tidwell, et al.,	U.S.D. 4241
James L. Tidwell, et al.,	U.S.D. 4242
James L. Tidwell, et al.,	U.S.D. 4243
James L. Tidwell, et al.,	U.S.D. 4244
James L. Tidwell, et al.,	U.S.D. 4245
James L. Tidwell, et al.,	U.S.D. 4246
James L. Tidwell, et al.,	U.S.D. 4247
James L. Tidwell, et al.,	U.S.D. 4248
James L. Tidwell, et al.,	U.S.D. 4249
James L. Tidwell, et al.,	U.S.D. 4250

These applications were made under the provisions of the Act of Congress of June 20, 1900 (31 Stat., 59) which is as follows:

W D R -----3

laws:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Nancy A. G. Fry, Callie M. Fry, Henry C. Fry, Bessie Fry, Minnie Edna Fry, Robert Mitchell Fry, David Louie Fry, Roberta Fisher Fry, Alice M. Tidwell, Tyree A. Tidwell, Elsie G. Tidwell, Rubie A. Tidwell, James W. Tidwell, Lucy Tidwell, William W. Fry, James F. Fry, Martha M. Cole, Henry Walter Cole, Edwin E. Cole, Beulah L. Francis, Myrtle B. Francis, Forest F. Francis, Bertha M. Francis, James Roy Francis, Thomas R. Francis, Henry W. Francis, John Brantley Cole, Dave Higdon, Ada May Higdon, John Maxey Higdon, Julius D. Higdon, James Mack Higdon, Ruby Cecil Higdon, Elizabeth Pearl Higdon, Florence May Higdon, Effie Lee Higdon, John Wayne Higdon, Lena Higdon, Ben Reynolds, James Buckner Reynolds, Gill Reynolds, Albert Reynolds, Nellie Reynolds, Hubbard Reynolds, Johnnie Reynolds, Thomas Reynolds, Clarence Reynolds, William D. Reynolds, Lillie May Reynolds, George Reynolds, Alice H. Wagstaff, Clyde H. Wagstaff, Annie G. Wagstaff, Allie Mai Wagstaff, Ella Lee Wagstaff, William A. Higdon, Helen B. Higdon, John W. Higdon, Kate M. Shields, Elsie Shields, Ada Shields, Albert Shields, Ruth Shields, Robert Shields, James Shields, Elizabeth H. McKennon, Katherine H. McKennon, Emma D. McKennon, Helen D. Higdon, Emma B. Heltz, and Morgan E. Carter as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action.

SECRET

1. The purpose of this document is to provide information on the status of the project.

2. The project is currently in the planning stage.

(SIGNED)

3. The project is expected to be completed by the end of the year.

4. The project is subject to change without notice.

COPY.

M. C. R. 4563

Mustagee, Indian Territory, October 16, 1902.

William D. Reynolds,

Lynnville, Tennessee.

Dear Sir:

You are hereby advised that on the 4th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippian Chocktaws of the several persons included in the consolidated case of Nancy A. G. Fry, et al., of which decision you were advised by registered mail on the 14th day of July, 1902.

Respectfully,

SIGNED,

Terne Biaby.
Acting Chairman.

No. 4563

For Identification as a Mississippi Choctaw.

Meridian, Miss.

Date JAN 22 1902

Name William D. Reynolds

Age 27

Blood 1/16

Post Office, Lynnville, Tenn.

Father: Thomas C. Reynolds d

Mother: Olevia " d

Claims through mother
wife Alice Reynolds L
(no claim for wife)
(Cause in self and one child)

Children:

Lillie May Reynolds 14d

Father of Olevia: Larkin H. Gordon 14 d

" " Larkin: John H. Gordon 15 d

Mother " " = Ann H. Bryan 13 d

Stenographer

J. S. Hiles

Choctaw MCR 4564

James Buckner Reynolds

See MCR 4228

MCR 4564

4564

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, January 22nd, 1902.

In the matter of the application of James Buckner Reynolds for the identification of himself and his seven minor children, Gill, Albert, Nellie, Hubbard, Johnnie, Thomas and Clarence, as Mississippi Choctaws.

Said James B. Reynolds, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A James Buckner Reynolds.
Q What is your age? A I will be forty in February.
Q How much Choctaw blood do you claim to have? A One sixteenth.
Q What is your postoffice address? A Campbellsville, Giles County, Tennessee.
Q How long have you lived in Giles County, Tennessee? A I was born and raised there.
Q Been there all your life? A Yes sir.
Q Is your father living? A No sir.
Q What was his name? A Thomas Reynolds.
Q Is your mother living? A No sir.
Q What was her name? A Olevia.
Q Through which one of your parents do you derive your Choctaw blood? A Mother.
Q According to your statement your mother was one eighth Choctaw? A Yes sir.
Q Did she live in Tennessee all her life? A I think so, yes.
Q Through which one of her parents did she get her Choctaw blood? A From her father.
Q What was his name? A Larkin Higdon.
Q He was a quarter blood? A Yes sir.
Q How old would your mother be if she were living now? A She would be sixty-five I reckon.
Q Did you ever see Larkin Higdon? A No sir, I was small when he died.
Q Do you know where he lived during his life time? A He lived in Giles County a good deal of his life time.
Q Do you speak or understand the Choctaw language? A No sir.
Q Or your mother? A I think not.
Q Did Larkin Higdon? A I don't know, sir.
Q What was the name of your mother's mother? A I don't remember her mother's name.
Q Did you ever see her? A No sir.
Q She had no Choctaw blood? A No sir.
Q Through which one of his parents did Larkin Higdon get his Choctaw blood? A From his mother.
Q What was her name? A She was a Bryant, I think.
Q What was her given name? A Ann, I think. That is my recollection.
Q Do you know that was her name? A That is what my mother said.
Q How much Choctaw blood did Ann Bryant have? A She was half, I think.
Q How old would she be if she were living now, do you know? A No sir.
Q You know nothing whatever about her? A No sir, only what my mother said.

James B. Reynolds et al--2

Q You don't know where she lived during her life time? A No sir.
Q Did you ever hear of any of your ancestors ever having lived in Mississippi or Alabama? A No sir.
Q Are you married? A Yes sir.
Q Have you been married more than once? A No sir, Just once.
Q Has your wife been married more than once? A No sir, just once.
Q What is your wife's name? A Addie.
Q Has she any Choctaw blood? A No sir.
Q You make no claim for her? A No sir.
Q Have you any children? A Yes sir, I have seven.
Q What are their names and ages? A The oldest is Gill.
Q How old is he? A He will be fourteen in March.
Q Next one? A Albert.
Q How old? A Twelve in April.
Q Next one? A Nellie.
Q How old is she? A She will be ten the 22nd of this month.
Q Next one? A Hubbard.
Q How old is he? A He was born in June, 1894.
Q Next one? A Johnnie.
Q How old is he? A He was born in January, 1896.
Q Next one? A Thomas.
Q How old is he? A He was born in June 1898.
Q Next one? A Clarence.
Q How old? A About seventeen months old.
Q Is that all of them? A Yes sir.
Q Are these all the children of yourself and your wife Addie? A Yes sir.
Q Are they living with you at this time? A Yes sir.
Q Were you married to her under a license? A Yes sir.
Q Have you your license and certificate with you at this time? A I have the certificate with me.

Certificate of R. D. Abernathy, Deputy Clerk of the County Court of Giles County, Tennessee, as to the marriage of J.B. Reynolds and Adda Pinkleton is offered in evidence, identified as Exhibit "A", filed and made a part of the records in this case.

Q This application is for yourself and seven minor children, is that correct? A Yes sir.
Q Is your name or the name of anyone of these children to be found upon any of the Choctaw Tribal rolls in Indian Territory? A No sir, I reckon not.
Q Did you ever make application to the Choctaw Tribal authorities in Indian Territory for yourself or any one of these children to be admitted or enrolled as members of the Choctaw Tribe of Indians? A No sir.
Q Have you ever made any application of any description before today? A No sir.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.
Q Do you understand article 14 of the treaty of Dancing Rabbit Creek? A Well, I don't know that I understand it.

James B. Reynolds et al---3

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw Tribe of Indians. At the time this treaty was made the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of this treaty was to secure the removal of these Indians from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, part of which is now occupied by the greater portion of the Choctaw Tribe of Indians and is commonly known as the Choctaw Nation Indian Territory. At the time the treaty was made some of the Indians were unwilling to leave this country and for the benefit of those who wanted to stay here what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who preferred to stay here in Mississippi might receive land here in Mississippi from the Government. It is as follows:-

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section for such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of the States, for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservations shall include the present improvement of the head of the family or a portion of it. Persons claiming under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q That is the 14th article of the treaty of Dancing Rabbit Creek, made over 71 years ago-do you understand that 14th article? A Yes sir.

Q Did any of your ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under that article?

A No sir, I guess not, never heard of it if they did.

Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A Not that I know of.

Q Were any of them recognized members of the Choctaw Tribe of Indians at that time-71 years ago? A Well-I don't know.

Q Did any of them remove from the old Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A I don't know, sir.

Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in

James B. Reynolds et al---4

Mississippi, for the Choctaws, know that they wanted to stay here and become citizens of the States and take land? A I don't know, sir.

Q Did any of them ever claim or receive any land here in Mississippi from the Government under article 14 of the treaty of Dancing Rabbit Creek? A No sir, I reckon not.

Q Or under any other article of that treaty or under the supplement? A Not that I know of.

Q If any of them, then, ever received any land from the Government here in Mississippi, you never heard of it? A No sir.

Q Did any of them ever get any money from the Government? A No sir.

Q Were any of them ever recognized members of the Choctaw Tribe of Indians—that is by recognized I mean, did they live with the Indians and were they recognized by the Indians as members of the Tribe? A I don't know whether they were or not.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens and take land. The records of the Government show that this Agent failed to register and report to the Government the names of many Choctaws who did in fact let him know that they wanted to stay here and become citizens and take land, and, on this account, the Government at its public land sales here in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under article 14 of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed an act which was approved the 3rd day of March, 1837, providing for the appointment of a Commission to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. This Commission was duly appointed by the President of the United States and the Commissioners came down here to Mississippi and heard a few of these Choctaw cases but in the time allowed them by the act of Congress under which they were appointed and a later act of Congress which was approved on the 22nd day of February, 1838, they were unable to dispose of but a comparatively small number of cases and it therefore became necessary for Congress to make further provision whereby the remainder of these Indians might be given hearings. So, another act was passed which was approved on the 23rd day of August, 1842, providing for the appointment of another Commission to come down here to Mississippi and finish up the hearing of these cases. This Commission was duly appointed by the President of the United States and the Commissioners came down here to Mississippi and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before either of these Commissions and attempt to establish their rights under article 14 of the

James B. Reynolds et al---5

treaty of Dancing Rabbit Creek? A I don't know, sir.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to receive, in lieu thereof, land elsewhere in Mississippi, or in Alabama, Louisiana or Arkansas, from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any of this scrip from the Government of the United States under this act of Congress? A No sir, I guess not. If they did I never heard of it.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir, I don't know of any one.

Q Have you any witnesses here today? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here at Meridian, Mississippi, between now and the 15th of next month, or within a reasonable time thereafter at the general office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Have you any brothers living? A Yes sir.

Q How many? A Three.

Q What are their names? A Ben, William, and George.

Q How many of them have been before the Commission? A Three of us ~~xx~~ now.

Q Have you any sisters living? A No sir.

Q Have you any brothers or sisters dead? A Yes sir, two brothers and one sister dead.

Q Did any one of them leave descendants? A No sir.

Q Are any of your mother's brothers living? A Yes sir.

Q How many? A Three brothers living.

Q What are their names? A John Higdon, J. Mack Higdon and Dave Higdon. There may be another one but I expect he is dead now. He has been in an asylum for a long time.

Q Are any of your mother's sisters living? A Yes sir, two sisters.

Q What are their names? A Nancy Fry, and Martha Cole.

Q Has your mother any brothers or sisters dead who left children?

A No sir, I think not.

This applicant has the appearance and characteristics of a white man-shows no indications of being possessed of Indian blood. He does not speak or understand the Choctaw

James B. Reynolds et al---6

language.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi/January 22nd, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Ira S. Niles
Subscribed and sworn to before me this the 27th day of January, 1902,
at Meridian, Mississippi.

L. B. Mosley
Clerk U. S. Circuit Court, Southern
District of Mississippi.

By *J. W. Smith* Deputy.

COPY

M.C.B. 4864

Muskogee, Indian Territory, July 14, 1902.

James Buckner Reynolds,
Campbellsville, Tennessee.

Dear Sir:

You are hereby advised that on the 14th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Nancy A. C. Fry, et al., embracing the following applications for identification as Mississippi Choctaws:

Nancy A. C. Fry, et al.,	M.C.B. 4228
Henry C. Fry, et al.,	" 4244
David Louis Fry, et al.,	" 4381
Alice E. Tidwell, et al.,	" 4227
William W. Fry,	" 4243
James F. Fry,	" 4245
Martha E. Cole, et al.,	" 4128
Beulah E. Francis, et al.,	" 4129
John Brantley Cole,	" 4040
Dave Higdon, et al.,	" 4039
James Mack Higdon, et al.,	" 3848
Ben Reynolds,	" 4246
James Buckner Reynolds, et al.,	" 4864
William D. Reynolds, et al.,	" 4863
George Reynolds,	" 4768
Alice E. Wagstaff, et al.,	" 4230
Allie Mai Wagstaff, et al.,	" 4231
William A. Higdon, et al.,	" 4072
Kate H. Shields, et al.,	" 4229
Elizabeth H. McKennon, et al.,	" 4224
Helen D. Higdon,	" 4242
Emma B. Hallin, et al.,	" 4226

These applications were made under the provisions of the

J B R -----3

act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Cheetaw Indians claiming rights in the Cheetaw lands under article fourteen of the treaty between the United States and the Cheetaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Nancy A. C. Fry, Sallie M. Fry, Henry C. Fry, Bessie Fry, Minnie Edna Fry, Robert Mitchell Fry, David Louie Fry, Roberta Fisher Fry, Alice E. Tidwell, Tyree A. Tidwell, Elsie G. Tidwell, Rubie A. Tidwell, James W. Tidwell, Lucy Tidwell, William V. Fry, James F. Fry, Martha H. Cole, Henry Walter Cole, Edwin E. Cole, Beulah L. Francis, Myrtle B. Francis, Forest F. Francis, Bertha M. Francis, James Roy Francis, Thomas R. Francis, Henry W. Francis, John Brantley Cole, Dave Higdon, Ada May Higdon, John Maxey Higdon, Julius D. Higdon, James Mack Higdon, Ruby Cecil Higdon, Elizabeth Pearl Higdon, Florence May Higdon, Effie Lee Higdon, John Wayne Higdon, Lena Higdon, Ben Reynolds, James Buckner Reynolds, Gill Reynolds, Albert Reynolds, Nellie Reynolds, Hubbard Reynolds, Johnnie Reynolds, Thomas Reynolds, Clarence Reynolds, William D. Reynolds, Lillie May Reynolds, George Reynolds, Alice H. Wagstaff, Clyde H. Wagstaff, Annie C. Wagstaff, Allie Mai Wagstaff, Ella Lee Wagstaff, William A. Higdon, Helen B. Higdon, John W. Higdon, Kate H. Shields, Elsie Shields, Ada Shields, Albert Shields, Ruth Shields, Robert Shields, James Shields, Elizabeth H. McKennon, Katherine E. McKennon, Emma D. McKennon, Helen D. Higdon, Emma B. Helts, and Morgan H. Carter as Cheetaw Indians entitled to rights in the Cheetaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action.

J. E. H. [unclear]

Given as may be taken by him.

Yours truly,

(SIGNED).

Fame Bixby

Registered.

Chairman

COPY.

M. C. R. 4564

Muskogee, Indian Territory, October 16, 1902.

James Buckner Reynolds,
Campbellville, Tennessee.

Dear Sir:

You are hereby advised that on the 4th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Nancy A. C. Fry, et al., of which decision you were advised by registered mail on the 14th day of July, 1902.

Respectfully,

(SIGNED) *James Dixby.*
Acting Chairman.

#1653

No. 4564

For Identification as a Mississippi Choctaw.

Meridian, Miss

Date JAN 22 1906

Name James Buckner Reynolds

Age 39

Blood 1/16

Post Office Campbellsville, Tenn.

Father Thomas Reynolds d

Mother Olivia d

Claims through mother
wife Addie L
(no claim for wife)

(Claims for self and minor children.)

Children:

Gill	Reynolds	13
Albert	"	11
Kellie	"	9
Hubbard	"	7
Johnnie	"	6
Thomas	"	3
Clarence	"	1

Father of Olivia = William H. Brown (1/2) d
 " of Johnnie = John H. Brown (1/2) d
 Mother " John H. Brown (1/2) d

Stenographer

J. S. Niles

Choctaw MCR 4565

Anna Baird

See MCR 4642, 4643, 4559

MCR 4565

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Anna Baird, et al.,
for identification as Mississippi Choctaws, consolidating the
applications of

Anna Baird, et al.,	M C R 4565
John H. Granberry, et al.,	M C R 4642
George C. Granberry, et al.,	M C R 4643
Frank C. Granberry,	M C R 4559

List of papers forwarded to the secretary of the Interior
with the record in the above case, together
with the page occupied by each
in said record.

Original application of Anna Baird, et al., for identification as Mississippi Choctaws.	Page. 1
Oral testimony of John Jackson Turner.	6
Original application of John H. Granberry, et al., for identification as Mississippi Choctaws.	9
Original application of George C. Granberry, et al., for identification as Mississippi Choctaws.	15
Original application of Frank C. Granberry for identification as a Mississippi Choctaw.	22
Final decision of the commission in the con- solidated case of Anna Baird, et al., appli- cants for identification as Mississippi Choctaws, denying said application.	28

4565

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, January 22nd, 1902.

Additional testimony in the matter of the application of
Anna Baird et al for identification as Mississippi Choctaws.

John J. Turner, witness for applicants, being first duly
sworn, testified as follows:

APPEARANCES: S.A. Beadle, attorney, and A.W. Jones, Agent,
for applicants.

Examination by the Commission.

Q What is your name? A John Jackson Turner.
Q How old are you? A I will soon be seventy-six.
Q What is your postoffice address? A Raymond, Hinds County, Mississippi.
Q How long have you lived in Hinds County? A About thirty years.
Q What is your occupation? A Farming.
Q Are you related to the applicant Anna Baird? A No sir.
Q Are ~~is~~ you interested in any way in the result of her application? A No sir.

By the Commission:

Mr. Jones, what do you expect to prove by this witness?

Mr. Jones:

I expect to prove that this witness is acquainted with the applicant's mother and knew she was recognized by the Indians who remained here in Mississippi and that he further states he heard her say that she made efforts to be enrolled and he will ~~not~~ further state why she wasn't; that she was recognized by the Indians who remained here and that Bettie Cook was the applicant's grandmother.

Examination by the Commission.

Q Are you acquainted with the mother of this applicant? A Yes sir.
Q Where does she live? A In Hinds County.
Q How long have you known her? A I have been knowing her ever since me and her was children together.
Q Is she older or younger than you are? A She is older than I am.
Q About how much older? A I reckon six or seven years older.
Q What is her name? A Sallie.
Q Was Sallie a slave? A No sir.
Q You were, weren't you? A Yes sir.
Q And she wasn't-you are sure of that? A Yes sir, she wasn't a slave.
Q Where did she live when you first met her? A In Jasper County, Mississippi.
Q T at was when you were children? A Yes sir, I was about ten or twelve years old.
Q Do you know what her mother's name was? A Bettie Cook.
Q Was she a Choctaw Indian? A She was amongst the Choctaw Tribe.
Q Was she a Choctaw? A I suppose she was.

Anna Baird et al---2

Q You couldn't swear that she was a full blood Choctaw Indian?
A Yes sir, I could swear she was a full blood Choctaw Indian, because she was amongst them.
Q Did she speak or understand the Choctaw language? A I suppose she did.
Q You don't know, do you? A No sir.
Q Does Sallie speak or understand the Choctaw language? A I don't know whether she does or not.
Q Did you meet Bettie before you met Sallie or after? A I met her mother first. I met both about the same time.
Q Do you know whether either of them ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek? A I don't know exactly whether they did or not. I heard Bettie say that she wanted to go somewhere and get something. I don't know what she was going to get.
Q When did you hear Bettie say that? A When I was walking about playing with the children.
Q You don't know what she meant by that, do you? A No sir.
Q Do you know where she was talking about going? A No sir.
Q What else did she say about this matter? A She said she was afraid to go. She said a man by the name of Wallack was a bad man and she was afraid to go.
Q Is that all you know about this case? A Yes sir, that's all about all I know. She learned me three or four words of the Indian language.
Q Was Sallie or was Bettie, either one of them, a recognized member of the Choctaw Tribe of Indians here at that time? A Yes sir, I suppose she was.
Q What makes you think so? A Because she was amongst the Indian Tribe.
Q You were amongst them here too at that time, were you not? A Yes sir.
Q But you are not a recognized member of the Tribe? A No sir, because I am an African.
Q You mean by these women being recognized members of the Tribe that it was generally understood that they had Choctaw blood, is that your idea? A Yes sir, that is my belief about it.

Examination by Mr. Jones.

Q You stated to the Commission that you did not know whether they talked the Indian language or not. Do you understand the Indian language? A No sir.
Q Did they talk like the other Indians? A Yes sir.
Q You further stated that they were recognized as Choctaw Tribe Indians, that is Bettie Cook and her daughter Sallie? A Yes sir.
Q How did you understand it, that they were recognized by the Indians saying so themselves or by Bettie Cook saying so? A She said so.
Q Did you see her among the Indians? A Yes sir, she was among them, she danced with them and made baskets with them.

By the Commission.

Q Is there anything further you want to say? A No sir.

Anna Baird et al---3

By Mr. Jones:

I would like for the record to show that this witness can count in Choctaw from one to ten.

Commission:

The witness here counts in Choctaw up to ten, which he claims to have been taught him by Bettie Cook.

This witness is a negro of below average intelligence.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, January 22nd, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Ira S. Niles
Subscribed and sworn to before me this the 29th day of January, 1902,
at Meridian, Mississippi.

L. B. Mosely
Clerk U.S. Circuit Court, Southern
District of Mississippi.

By *[Signature]* Deputy.

4566

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, January 22nd, 1902.

In the matter of the application of Anna Baird for the identification of herself and three minor children, George Jones, John Jones and Charlie Jones, as Mississippi Choctaws.

Said Anna Baird, being first duly sworn, testified as follows:-

APPEARANCES: S. A. Beadle, Attorney for applicants
Andrew W. Jones, Agent "

Examination by the Commission.

- Q What is your name? A Anna Baird.
Q What is your age? A Fifty-two.
Q How much Choctaw blood have you? A Quarter, my mother was a half Choctaw.
Q What is your postoffice address? A Edwards, Mississippi.
Q What County? A Hinds County.
Q How long have you lived in Hinds County? A All my life.
Q Were you a slave? A No sir.
Q Were your father or mother, either of them slaves? A My father was-my mother wasn't.
Q Is your father living? A No sir.
Q What was his name? A George Granberry.
Q Is your mother living? A Yes sir.
Q What is her name? A Sallie.
Q Through which one of your parents do you derive your Choctaw blood? A My mother.
Q You claim that she is a half blood Choctaw? A Yes sir.
Q About how old is she? A She is about eighty-one years old.
Q Where does she live? A She lives near Raymond.
Q In Hinds County? A Yes sir.
Q Has she a Choctaw name? A No sir.
Q Does she speak or understand the Choctaw language? A Yes sir, she does.
Q Do you speak or understand it? A No sir.
Q You say your mother can speak and understand it? A Yes sir.
Q How do you know she can? A She used to teach us to speak it. She knows all about it nearly but we never could talk it.
Q Through which one of her parents did she get her Choctaw blood? A From her mother.
Q What was her name? A Bettie.
Q Bettie was a full blood, according to your statement? A Yes sir.
Q Did you ever see Bettie? A No sir.
Q Did she have any other name besides Bettie? A Bettie Cook.
Q She had no Choctaw name, though? A No sir.
Q Did she speak or understand the Choctaw language? A Yes sir.
Q How do you know that? A She lived right with the Indians and my mother did too. I get my information through my mother.
Q Has your mother always lived in Hinds County? A No sir.
Q Where was she born? A She lived with the Indians in Clarke, Jasper and Newton Counties.
Q How long has she lived over there in Hinds? A Ever since before the war.
Q Do you know the name of the father of Bettie? A No sir.

Anna Baird et al---2

Q Or the mother of Bettie? A No sir.
Q Did Bettie live in Mississippi all her life, or do you know?
A I don't know.
Q Are you married? A Yes sir.
Q What is your husband's name? A Tom Baird.
Q Is he living? A Yes sir.
Q Do you make any claim for him? A No sir.
Q Has he any Choctaw blood? A Yes sir, he gets his from his mother.
Q How much Choctaw blood has he? A I don't know how much he has.
Q Are you sure he has any? A I can ~~swear~~ swear to what he says.
Q But you don't want to make any application for him? A No sir.
Q How many times have you been married? A Twice.
Q Have you any children living under 21 years of age and unmarried?
A Three.
Q What are their names and ages? A George Jones, nineteen.
Q Next one? A John Jones.
Q How old? A Seventeen.
Q Next one? A Charlie Jones.
Q How old? A Fifteen.
Q Is that all? A Yes sir.
Q Are these children all living with you now? A Yes sir, they
hire out.
Q They all make your home their home, do they? A Yes sir.
Q They are children by your first husband, are they? A Yes sir.
Q What was his name? A Redmond Jones.
Q Is he dead? A Yes sir.
Q Did he have any Choctaw blood? A Not that I know of.
Q This application is for yourself and three minor children, is
that correct? A Yes sir.
Q Is your name or the name of any one of these children to be found
upon any of the Choctaw Tribal rolls in Indian Territory? A No sir.
Q Did you ever make application for yourself or any of these chil-
dren to be admitted or enrolled as members of the Choctaw Tribe of
Indians? A No sir.
Q Have you ever made any application of any description for yourself
or these children before today? A No sir.
Q Do you appear before the Commission at this time for the purpose
of claiming rights in the Choctaw lands in Indian Territory under
article 14 of the treaty of Dancing Rabbit Creek for yourself and
three minor children? A Yes sir.
Q Do you understand article 14 of the treaty of Dancing Rabbit
Creek? A Yes sir, I heard you repeat it several times.
Q You think you understand it, then, do you? A Yes sir.
Q Did any of your ancestors ever comply or attempt to comply with
the provisions of this 14th article or ever receive any benefits
under it? A My grandmother tried but she didn't get any.
Q She tried what? A She attempted to go where they were enrolling
their names but she didn't get there.
Q When was that? A That was in 1831, I think.
Q When did you hear about that first? A I heard my mother speak
about it.
Q When? A She spoke about it but said she never got anything.
Q When did she tell you about that? A She used to tell us about
it-not right lately.
Q What else did she tell you about that? A She said they were
very cruel to the Indians and that a lot of the Indians died.

Anna Baird et al---3

Q Do you know whether your grandmother or any other of your ancestors did actually attempt to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek? A I don't think they did. Not that I know of.

Q Are you sure that none of your ancestors ever got any benefits under that 14th article? A No sir, they never got anything.

Q None of them ever got any benefits as Choctaw Indians, did they, from the Government? A No sir.

Q Did any of them remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A No sir, they didn't.

Q Now, were any of your ancestors, in fact, recognized members of the Choctaw Tribe of Indians here when this treaty was made, 71 years ago? A Yes sir, they were recognized as Indians among the Indians.

Q How do you know that? A My mother said so.

Q You say your ancestors were at that time recognized as Indians?

A Yes sir.

Q By whom? A By the other Indians.

Q What one of your ancestors was here in 1830 when this treaty was made? A My grandmother was living.

Q You said your mother is 81 years old--was she here then? A Yes sir, I suppose so.

Q Did either of them own an improvement here in the old Choctaw Nation at the time this treaty was made? A No sir.

Q Did either of them within six months after the treaty was ratified, that is six months from February 24th, 1831, let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here in Mississippi and become citizens of the States and take land? A No sir.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here in Mississippi and become citizens of the States and take land. The records of the Government show that this Agent failed to register and report to the Government the names of many Indians who did in fact let him know that they wanted to stay here and become citizens of the States. On this account the Government at its public land sales here in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under this 14th article of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed an act which was approved on the 3rd day of March, 1837, providing for the appointment of a Commission to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. This Commission was duly appointed by the President of the United States and the Commissioners came down here to Mississippi and heard a few of these Choctaw cases but in the time

Anna Baird et al---4

allowed them by the act of Congress under which they were appointed and a later act of Congress which was approved the 22nd day of February, 1838, providing for the continuance of this Commission they were unable to dispose of but a comparatively small portion of these cases and it therefore became necessary for Congress to make further provision whereby the remainder of these Indians might be given hearings. So another act was passed which was approved the 23rd day of August, 1842, providing for the appointment of another Commission to come down here to Mississippi and finish up the hearing of these cases. This Commission was duly appointed by the President of the United States and the Commissioners came down here to Mississippi and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before either of these Commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A No sir.
Q You are quite sure of that, are you? A Yes sir.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to select, in lieu thereof, land elsewhere in Mississippi, or in Alabama, Louisiana or Arkansas, from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any of this scrip from the Government of the United States under this act of Congress? A No sir.
Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A I got a witness but I don't know whether he knows that or not.
Q Is this witness you have here the only person who would likely know about that? A Yes sir.

If you should find any further witnesses whose testimony you desire to have taken in support of your application they may appear before the Commission here at Meridian at any time between now and the 15th of next month or within a reasonable time thereafter at the general office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Have you any brothers living? A Yes sir.
Q How many? A Three.
Q What are their names? A George Granberry, Newton Granberry, Frank Caswell Granberry.

Anna Baird et al---5

Q How many of these brothers have been before the Commission? A Only one, Frank.
Q Have you any sisters living? A No sir.
Q Have you any brothers or sisters dead? A No sir.
Q Has your mother any brothers or sisters living? A No sir.
Q Or any brothers or sisters dead? A She has some sisters dead.
Q Did any of them leave children? A I don't know, sir.
Q Have you any children over age? A Yes sir.
Q How many? A One girl.
Q What is her name? A Bettie Washington.
Q Where does she live? A In Jackson, Mississippi.
Q Has she been before the Commission? A No sir.

This applicant has the features and facial expression of a negro. Her color and hair would indicate that she might be possessed of a small proportion of either white or Indian blood.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, January 22nd, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Ira S. Niles

Subscribed and sworn to before me this the 28th day of January, 1902, at Meridian, Mississippi.

L. P. Moreley
Clerk U.S. Circuit Court, Southern
District of Mississippi.

By *[Signature]* Deputy.

J.R.B.
C.W.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Anna Baird, et al.,
for identification as Mississippi Choctaws, consolidating the
applications of

Anna Baird, et al.,	M C R 4565
John N. Granberry, et al.,	M C R 4542
George C. Granberry, et al.,	M C R 4543
Frank C. Granberry,	M C R 4559

--- DECISION : ---

It appears from the record herein that applications for
identification as Mississippi Choctaws were made to this Commission
by Anna Baird for herself and her three minor children, George
James, John Jones, and Charlie Jones; by John N. Granberry for himself
and his three minor children, Timothy D., Newton T. and Lillie V.
Granberry; by George C. Granberry for himself and his four minor
children, George F., Edgar P., Henry C. and Waldo E. Granberry;
and by Frank C. Granberry for himself under the following provision
of the act of Congress approved June 25, 1898, (30 Stat., 495):

"Said Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw
lands under article fourteen of the treaty between
the United States and the Choctaw Nation, concluded

2.

September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Bettie or Betsey Cook, who is alleged to have been a full blood Choctaw Indian, and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission, that no one of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress approved June 10, 1896, (29 Stat., 321).

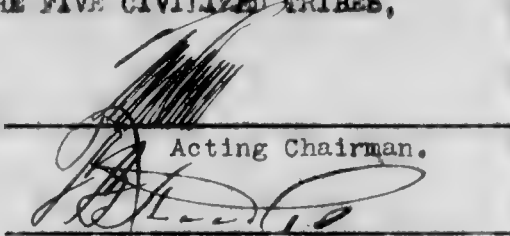
It does not appear from the testimony and evidence offered in support of said applications or from the records in the possession of the commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Bettie or Betsey Cook, or aless remote ancestor of any of the applicants herein, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw


3.

Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stat., 180), and August 23, 1842, (5 Stat., 513).

It is therefore the opinion of this commission that the evidence herein is insufficient to determine the identity of Anna Baird, George Jones, John Jones, Charlie Jones, John N. Granberry, Timothy D. Granberry, Newton T. Granberry, Lillie V. Granberry, George C. Granberry, George F. Granberry, Edgar P. Granberry, Henry C. Granberry, Waldo B. Granberry and Frank C. Granberry as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,


Acting Chairman.


Commissioner.

Commissioner.

Muskogee, Indian Territory,

AUG 8 1902

M C R 4565

COPY.

Muskogee, Indian Territory, August 6, 1902.

A. W. Jones, Agent.

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 8th day of August, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Anna Baird, et al., embracing the following applications for identification as Mississippi Choctaws:

Anna Baird, et al.,	M C R 4565
John H. Granberry, et al.,	M C R 4642
George C. Granberry, et al.,	M C R 4643
Frank C. Granberry,	M C R 4559

These applications were made under the provision of the act of Congress of June 26, 1898 (30 Stat., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior".

Said decision concludes as follows:

2.

"It is, therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Anna Baird, George Jones, John Jones, Charlie Jones, John E. Granberry, Timothy D. Granberry, Newton E. Granberry, Lillie V. Granberry, George C. Granberry, George F. Granberry, Edgar P. Granberry, Henry C. Granberry, Waldo E. Granberry and Frank C. Granberry as Chectaw Indians entitled to rights in the Chectaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered".

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

Tamc Dixby.

Acting Chairman.

Registered.

M C R 4565

COPY.

Muskogee, Indian Territory, August 8, 1902.

S.A. Beadle,

Attorney at Law.

Jackson, Mississippi.

Dear Sir:

You are hereby advised that on the 8th day of August, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Anna Baird, et al., embracing the following applications for identification as Mississippi Choctaws:

Anna Baird, et al.,	M C R 4566
John H. Granberry, et al.,	M C R 4542
George C. Granberry, et al.,	M C R 4543
Frank C. Granberry,	M C R 4559

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

2.

"It is, therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Anna Baird, George Jones, John Jones, Charlie Jones, John H. Granberry, Timothy D. Granberry, Newton E. Granberry, Lillie V. Granberry, George C. Granberry, George F. Granberry, Edgar P. Granberry, Henry C. Granberry, Waldo E. Granberry and Frank C. Granberry as Chectaw Indians entitled to rights in the Chectaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered".

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

Tamc Dixty.

Acting Chairman.

Registered.

M C R 4363

COPY.

Muskogee, Indian Territory, August 8, 1902.

Anna Baird,

Edwards, Mississippi.

Dear Madam:

You are hereby advised that on the 8th day of August 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Anna Baird, et al., embracing the following applications for identification as Mississippi Choctaws:

Anna Baird, et al.,	M C R 4363
John N. Granberry, et al.,	M C R 4642
George C. Granberry, et al.,	M C R 4643
Frank C. Granberry,	M C R 4559

These applications were made under the provision of the act of Congress of June 20, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior".

Said decision concludes as follows:

A B-2.

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Anna Baird, George Jones, John Jones, Charlie Jones, John W. Granberry, Timothy D. Granberry, Newton T. Granberry, Lillie V. Granberry, George G. Granberry, George F. Granberry, Edgar P. Granberry, Henry G. Granberry, Waldo R. Granberry, and Frank C. Granberry as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered".

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

Tame Dixey.

Acting Chairman.

Registered.

M C R 4565

COPY.

Muskogee, Indian Territory, August 8, 1902.

Mansfield, McMurray and Cornish.

Attorneys for the Choctaw and Chickasaw Nations.

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 8th day of August, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Anna Baird, et al., embracing the following applications for identification as Mississippi Choctaws:

Anna Baird, et al.,	M C R 4565
John W. Granberry, et al.,	M C R 4642
George C. Granberry, et al.,	M C R 4643
Frank C. Granberry,	M C R 4559

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 496), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior".

Said decision concludes as follows:

M McM & C-2.

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Anna Baird, George Jones, John Jones, Charlie Jones, John H. Granberry, Timothy D. Granberry, Newton T. Granberry, Lillie V. Granberry, George C. Granberry, George P. Granberry, Edgar P. Granberry, Henry C. Granberry, Waldo E. Granberry and Frank C. Granberry as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered".

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

SIGNED

James Dixby

Acting Chairman.

COPY.

M C R 4585

Muskogee, Indian Territory, August 8, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Anna Baird, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of August 8, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

Anna Baird, et al.,	M C R 4565
John N. Granberry, et al.,	M C R 4642
George C. Granberry, et al.,	M C R 4643
Frank C. Granberry,	M C R 4559

The Commission has the honor to report that the principal applicants in the several separate applications, their attorneys of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Tame Dixie
Acting Chairman.

Through the Commissioner
of Indian Affairs.
1 enclosure.

Copy.

Land
47870-1902.

DEPARTMENT OF THE INTERIOR.

OFFICE OF INDIAN AFFAIRS.

WASHINGTON. Oct. 4, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed herewith a report from the Acting Chairman of the Commission to the Five Civilized Tribes, dated August 8, 1902, forwarding the record relative to the application of Anna Baird, et al., for identification as Mississippi Choctaws claiming rights in the Choctaw lands under article fourteen of the treaty of 1830.

Anna Baird applies for the identification of herself and her three minor children, George Jones, John Jones, and Charlie Jones; John N. Granberry applies for himself and his three minor children, Timothy D., Newton T., and Lillie V. Granberry; George C. Granberry applies for himself and his four minor children, George F. Edgar P., Henry C. and Waldo E. Granberry; and Frank C. Granberry applies for himself.

August 8, 1902, the Commission held that the parties above named were not entitled to identification.

The record in this case shows that the applicants claim descent from Bettie or Betsey Cook, grandmother of principal applicant, Anna Baird. The record also shows that Sallie Granberry, nee Cook,

mother of principal applicant, is living and is about 81 years of age. The applicants are not of full blood, and the records of this office do not show that Bettie or Betsey Cook or Sallie Granberry, nee Cook, received patents of land under article fourteen of the treaty of 1839, or that they or either of them complied or attempted to comply with the provisions of the said article of the treaty; or that they applied to the commissions appointed under the acts of March 3, 1837, and August 23, 1842, for an adjudication of their rights if any they had.

It is therefore respectfully recommended that the decision of the Commission be approved.

Very respectfully,

Your obedient servant,

A.C. Tonner,

Acting Commissioner.

G.A.W. (S)

D.C. 19535-1902.

Copy.

RAF.

DEPARTMENT OF THE INTERIOR.

L.R.S.

WASHINGTON.

ITD.6107-1902.

October 17, 1902.

Commission to the Five Civilized Tribes,
Muskogee, I.T.

Gentlemen:

August 8, 1902, you transmitted the consolidated case involving the applications for identification of the following named persons as Mississippi Choctaws, to wit: Anna Baird and her minor Children, George, John and Charlie Jones; John N., Timothy D., Newton T. and Lillie V. Granberry; George C., George F., Edgar P., Henry C. and Waldo E. Granberry.

The applicants endeavor to trace their descent from one Bettie or Betsey Cook, alleged to have been a full blood Choctaw Indian residing in Mississippi in 1830.

None of the applicants has been admitted or enrolled as a citizen of the Choctaw Nation, and it is ^{not} shown that said Betsey Cook, or a less remote ancestor of the applicants, complied or attempted to comply with article 14 of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513). You refused the application August 8, 1902.

Submitting the papers October 4, 1902, the Acting Commissioner of Indian Affairs recommends your decision be approved.

-2-

A copy of his letter is inclosed. Finding no reason
to disturb the decision, it is hereby affirmed.

Respectfully,

(Signed) Thos. Ryan.

Acting Secretary.

1 inclosure.

RMD.

K.C.R. 4565

Muskogee, Indian Territory, October 29, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 17th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Anna Baird, et al.; of which decision you were advised by mail on the 8th day of August, 1902.

Respectfully,

Acting Chairman.

M.C.R. 4565

Muskogee, Indian Territory, October 29, 1902.

A. W. Jones, Agent,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 17th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Anna Baird, et al.; of which decision you were advised by registered mail on the 6th day of August, 1902.

Respectfully,

Acting Chairman.

M.C.R. 4568

Muskogee, Indian Territory, October 29, 1902.

S. A. Beadle,
Attorney at Law,
Jackson, Mississippi.

Dear Sir:

You are hereby advised that on the 17th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Anna Baird, et al.; of which decision you were advised by registered mail on the 8th day of August, 1902.

Respectfully,

Acting Chairman.

M.C.R. 4565

Muskogee, Indian Territory, October 29, 1902.

Anna Baird,

Edwards, Mississippi.

Dear Madam:

You are hereby advised that on the 17th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Cheetaws of the several persons included in the consolidated case of Anna Baird, et al.; of which decision you were advised by registered mail on the 8th day of August, 1902.

Respectfully,

Acting Chairman.

RECEIVED M.C.R. 4565

Anna Baird et al

Consolidated Case

Bettie or Betsey Cook, full

Sallie Cook, 81 1/2
married
George Granberry, dead
(same)

^{mck}
4563
Anna Granberry, 52 5/4
married
Redmond Jones, dead
Tom Baird

Bettie Jones
married
Washington
^{mck}
4565
George Jones, 19
John Jones, 17
Charlie Jones, 15

^{mck}
4642
John N. Granberry, 48 1/2
wife
Lillie F. Granberry, C

^{mck}
4641
Timothy D. Granberry, 18
Newton D. Granberry, 15
Lillie V. Granberry, 13

^{mck}
4643
George C Granberry, 48 1/2
wife
Lucinda Granberry

Arta F. Granberry,
married
Eugene
^{mck}
4643
George F. Granberry, 18
Edgar O. Granberry, 14
Henry C. Granberry, 12
Waldo E. Granberry, 10

^{mck}
4554
Frank C. Granberry 46 1/4

#1604

No. 4565

For Identification as a Mississippi Choctaw.
Meridian, Miss.

Date JAN 22 1902

Name Anna Baird

Age 5 2 Blood 1/4

Post Office Edwards, Miss.

Father: George Lanberry d

Mother: Sallie " L

Claims through mother.
husband: Tom Baird d
(no claim for husband)
(Claim for self and children
Choctaw)

Children:
George Jones 19
John Jones 17
Charlie " 15
Father Redmon D. Jones d
(No Choctaw blood)

Mother of same - Beloved J. G.

Stenographer J. S. Niles

Choctaw MCR 4566

Belle Whitlock

See MCR 2337

MCR 4566

4566

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, January 22nd, 1902.

In the matter of the application of Belle Whitlock for
the identification of herself as a Mississippi Choctaw.

Said Belle Whitlock, being first duly sworn, testified as
follows:-

Examination by the Commission.

Q What is your name? A Belle Whitlock.
Q How old are you? A Twenty-five.
Q How much Choctaw blood have you? A One thirty-second, I believe.
Q What is your postoffice address? A Jackson, Mississippi.
Q What is your local address? A I have been living out in Kansas
but Jackson is our home now.
Q How long have you lived in Jackson? A About two weeks.
Q Where did you live before that? A Caldwell, Kansas.
Q How long did you live there? A About three years.
Q Where did you live before that? A In Mississippi.
Q Where? A Hattiesburg.
Q How long did you live there? A I was there about five years.
Q Where did you live before that? A We lived at Waynesboro, Mis-
sissippi, Wayne County.
Q Where were you born? A I was born in Isney, Alabama.
Q You have lived in Mississippi most of your life then? A Yes sir.
Q Is your father living? A Yes sir.
Q What is his name? A James H. Denham.
Q Is your mother living? A Yes sir.
Q What is her name? A Eliza J. Denham.
Q Through which one of your parents do you derive your Choctaw
blood? A Through my mother.
Q Has she been before the Commission? A Yes sir.
Q When? A They were up here, I believe, in July last year.
Q About how old is your mother? A She is fifty-seven, I believe,
or fifty-eight.
Q Through which one of her parents did she get her Choctaw blood?
A Her father.
Q What was his name? A James G. Griffin.
Q How long has he been dead? A I guess he has been dead about
six or seven years.
Q Has your mother lived in the State of Mississippi all her life?
A Yes sir, except a little time that she lived in Alabama.
Q Where did your grandfather James G. Griffin live during his life
time? A In Mississippi most of the time.
Q Where was he born? A In Mississippi.
Q Do you know what part of Mississippi he lived in? A In Clarke
County, I think.
Q Do you remember him? A Yes sir.
Q He was one eighth Choctaw, according to your statement? A Yes sir.
Q What was the name of your mother's mother? A Elizabeth Griffin.
Q She had no Choctaw blood? A No, I think not.
Q Was she and James G. Griffin lawfully married or have you any
evidence on that point? A I suppose they was.
Q Have you any evidence on that point? A No sir, I have none, but
I think my mother gave in some evidence.

Belle Whitlock--2

Q How many brothers and sisters did your mother have? A She had about four sisters I think.

Q About how many brothers? A I don't think she had any brothers. She had one but he died when I was small.

Q Through which one of his parents did James G. Griffin get his Choctaw blood? A His mother.

Q What was her name? A Harriet Griffin.

Q Did you ever see her? A No sir.

Q Do you know how old she would be if she were living now? A No sir.

Q Do you know how old James G. Griffin would be if he was living now? A I think he was about 71 or 72 when he died.

Q Where did Harriet Griffin live? A I don't know.

Q You know nothing whatever about her? A No sir.

Q Are you married? A Yes sir.

Q Is your husband living? A Yes sir.

Q Has he any Choctaw blood? A No.

Q What is his name? A George E. Whitlock.

Q You make no claim for him? A No.

Q Have you any children? A No sir.

Q This application then is for yourself only? A That's all.

Q Is your name on any of the Choctaw Tribal rolls in Indian Territory? A I don't know.

Q Did you ever make application to the Choctaw Tribal authorities in Indian Territory to be admitted or enrolled as a member of that Tribe? A No sir.

Q Have you ever made any application of any description before today? A No sir.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under article 14 of the treaty of Dancing Rabbit Creek? A Yes.

Q Do you understand Article 14 of the treaty of Dancing Rabbit Creek? A I have heard you call it over a number of times this morning.

Q You think you understand it then? A Yes sir.

Q Did any of your ancestors ever comply or attempt to comply with the provisions of this 14th article or ever receive any benefits thereunder? A Not as I know of.

Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A Not that I know of.

Q Did any of them, in fact, live here in the old Choctaw Nation at that time? A I reckon they all lived here; most of them live around here now.

Q Who of your ancestors, do you think, were living here 71 years ago?

A I don't know.

Q Were any of them recognized members of the Choctaw Tribe of Indians here at that time? A I don't know that.

Q Did any of them remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A Not as I know of.

Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here in Mississippi and become citizens of the States and take land? A I don't know.

Belle Whitlock---3

Q Did any of them ever claim or receive any land here in Mississippi from the Government under article 14 of the treaty of Dancing Rabbit Creek? A I never heard of it if they did.

Q Or under any other article of that treaty? A I don't know.

Q Or under the supplement to that treaty? A I don't know.

Q If any of your ancestors, then, ever received any land here in Mississippi from the Government of the United States, you never heard of it? A No.

Q Did any of them ever receive any money from the Government?

A Not that I know of.

Q Were any of them ever recognized members of the Choctaw Tribe of Indians? A I don't know.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain and become citizens of the States and take land. The records of the Government show that this Agent failed to register and report to the Government the names of many Indians who did in fact let him know that they wanted to stay here and become citizens and take land and on this account the Government, at its public land sales here in Mississippi, in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under article 14 of the treaty of Dancing Rabbit Creek. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed an act which was approved on the 3rd day of March, 1837, providing for the appointment of a Commission to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek. This Commission was duly appointed by the President of the United States and the Commissioners came down here to Mississippi and heard a few of these Choctaw cases but in the time allowed them by the act of Congress under which they were appointed and a later act of Congress which was approved on the 22nd day of February, 1838, providing for the continuance of the Commission, they were unable to dispose of but a comparatively small number of cases and it therefore became necessary for Congress to make further provision by which the remainder of these Indians might be given hearings. So, another act was passed which was approved the 23rd day of August, 1842, providing for the appointment of another Commission to come down here and finish up the hearing of these cases. This Commission was duly appointed by the President of the United States and the Commissioners came down here to Mississippi and heard a great many of these cases.

Q Did any of your ancestors appear before either of these Commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A Not that I know of.

Belle Whitlock---4

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to select, in lieu thereof, land elsewhere in Mississippi, in Alabama, Louisiana or Arkansas, from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any of this scrip from the Government of the United States under this act of Congress? A Not that I know of.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No, I don't.

Q Have you any witnesses here today? A No, I haven't any. I should like to have the evidence in the cases of all persons claiming as the descendants of Harriet Griffin considered in my case.

If you should find any witnesses whose testimony you desire to have taken before the Commission, they may appear before us here at Meridian at any time between now and the 15th of next month or within a reasonable time thereafter at the general office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Are there any further statements you would like to make at this time? A No.

Q Have you any brothers or sisters living? A Yes sir, I have six sisters and two brothers.

Q What are the names of your brothers? A James C. Denham and Chester E. Denham.

Q Have they been before the Commission? A My mother put in an application for ~~xxx~~ the youngest and the eldest has been here.

Q What are the names of your sisters? A Emma Britton.

Q Next one? A Sallie M. Jacobs.

Q Next one? A Lizzie Rindt.

Q Next one? A Eva Jones.

Q Next one? A Essie Carter; there is another sister at home who isn't married.

Q What is her name? A Maud Denham.

Q She is under age? A Yes sir.

Q Have you any brothers or sisters dead? A One.

Q Did it die in infancy? A Yes sir.

Q Has your mother any brothers or sisters living? A Yes sir, I think she has three sisters living.

Q What are their names? A I don't know but two of the names, Harriet Loper and Pauline Klopner-she lives in Texas and has been to Muskogee. The youngest one's name is Melvain.

Q Have they been before the Commission, all of them? A I think so.

Q Have all of your sisters been before the Commission? A All except two, Mrs. Carter and Mrs. Rindt.

Belle Whitlock---5


Q Where do they live? A Mrs. Rindt lives in New Orleans and Mrs. Carter lives at Hattiesburg.

This applicant has the appearance of being a white woman-- shows no indications of being possessed of Indian blood.. She does not speak or understand the Choctaw language.

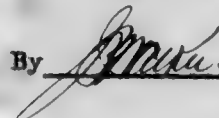
Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, January 22nd, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.



Subscribed and sworn to before me this the 28th day of January, 1902, at Meridian, Mississippi.



Clerk U.S. Circuit Court, Southern
District of Mississippi.

By  Deputy.

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

M. C. R. 2337
M.C.R. 4566

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, July 26, 1902.

Belle Whitlock,

Jackson, Mississippi.

You are hereby advised that on the 26th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Thomas B. Griffin, et al., embracing the following applications for identification as Mississippi Choctaws:

Thomas B. Griffin,	M. C. R. 2337
Nancy Bucklow (Buckalew)	" 3043
John C. Griffin, et al.,	" 3044
George S. Griffin, et al.,	" 3045
Harriet C. Grimes, et al.,	" 3046
Lucy Rollings, et al.,	" 3047
Florence Gray,	" 3048
May Taylor, et al.,	" 3049
Nancy J. Gray,	" 3050
Margaret Williams,	" 3051
James B. Griffin, et al.,	" 3120
Lucy H. Allen, et al.,	" 3121
Allen G. Buckalew, et al.,	" 3122
Mary Blakely, et al.,	" 3123
James W. Griffin, et al.,	" 3225
Harriet Bearfield, et al.,	" 3146
Rosier D. Griffin, et al.,	" 3174
Bessie Riley, et al.,	" 3175
Edna Griffin,	" 3189
Ransom B. Buckalew, et al.,	" 3226
Margaret Emma Boney, et al.,	" 3229
Willery H. Jackson,	" 3262
Edward T. Davis, et al.,	" 3263
Charles M. Davis, et al.,	" 3264
Rosier S. Gavin, et al.,	" 3265

Charles R. Gavin, et al.,	M. C. R.	3266
George E. Gavin,	"	3267
David L. Gavin,	"	3268
Lucy Dedwylder,	"	3269
Charles A. Davis,	"	3281
Rosier S. Davis,	"	3282
Edward B. Davis,	"	3283
Evan M. Gavin, et al.,	"	3314
Lillie Jackson, et al.,	"	3320
Sam W. Griffin,	"	3321
Ada Powers, et al.,	"	3322
Fannie Bowles,	"	3323
Lucy J. Slay, et al.,	"	3324
Harriet I. Carmichael, et al.,	"	3325
Mary M. Dunnam, et al.,	"	3333
Deborah Ann McLendon, et al.,	"	3334
John E. McLendon,	"	3335
Rosier A. McLendon,	"	3336
Norman Gunn,	"	3345
Henry S. Gunn, Jr., et al.,	"	3346
Harriet Dedwylder, et al.,	"	3347
Lucy J. Boykin, et al.,	"	3412
Sallie Davis,	"	3413
John C. Nickels, et al.,	"	3432
Maggie Thornhill, et al.,	"	3434
James C. Denham, et al.,	"	3457
Eva Jopes, et al.,	"	3458
Eliza J. Denham, et al.,	"	3459
James W. Raley, et al.,	"	3460
Emma Britton, et al.,	"	3464
Sallie Jacobs, et al.,	"	3477
John F. Gunn, et al.,	"	3558
Margaret D. Gunn,	"	3559
Alice Gunn,	"	3560
George W. Gunn,	"	3563
James J. Gunn,	"	3564
Harriet Loper, et al.,	"	3566
Alice Loper,	"	3567
Alexander Gunn, et al.,	"	3568
Mattie M. Gunn,	"	3569
Mary E. Gunn,	"	3570
William A. Gunn, et al.,	"	3603
George F. Griffin,	"	3604
Pauline Klopner, et al.,	"	3673
Alice Dunmire, et al.,	"	3674
Minnie McConkey,	"	3675
Adelbert G. Gunn, et al.,	"	3962
Robert Gunn,	"	4249
Belle Whitlock,	"	4566
Essie Carter,	"	4572

These applications were made under the provisions of the act of Congress of June 28, 1898, (30 Stats., 495,) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence in this case is insufficient to determine the identity of Thomas B. Griffin, Nancy Bucklow (Buckalew), John C. Griffin, Vivian E. Griffin, George S. Griffin, Lonnie Griffin, Arthur Griffin, Ada Griffin, Billie Griffin, Norman Griffin, Harriet C. Grimes, Lucy Grimes, Nancy J. Grimes, Lucy Rollings, Sam Rollings, Nommar Rollings, Edward Rollings, Katie Rollings, Nannie Rollings, Tom Rollings, Sallie B. Rollings, Mellie Rollings, Mollie Rollings, Florence Gray, May Taylor, Roy Taylor, Nancy J. Gray, Margaret Williams, James B. Griffin, Emma E. Griffin, Oessie Griffin, Maggie Griffin, Jake Griffin, Lottie Griffin, Eastman Griffin, Lucy H. Allen, James M. Allen, Lela R. Allen, Ira E. Allen, Allen G. Buckalew, Abbie Janet Buckalew, John Allen Buckalew, Joseph Griffin Buckalew, Bonnie McCoy Buckalew, Prince Albert Buckalew, Connie Lee Buckalew, Oscar Buckalew, Arthur Buckalew, Mary Blakely, Mary Edna Blakely, James W. Griffin, Lillia Griffin, Eddie Griffin, Edna Griffin, John Wilson Griffin, James C. Griffin, Susie L. Griffin, Harriet Bearfield, Lutha Bearfield, Andrew Bearfield, Albert Bearfield, Sudie Bearfield, Allen T. Bearfield, Vivy L. Bearfield, John Bearfield, Charley Bearfield, Eva Bearfield, Grady Bearfield, Rosier D. Griffin, Fletcher Griffin, Zilla Griffin, Henry Griffin, Timmie Griffin, Rella Griffin, Siddle Griffin, Glender Griffin, Hattie Griffin, John Thomas Griffin, Bessie Riley, Eva Riley, Ruby Riley, Hardie Riley, Edna Griffin, Ransom B. Buckalew, Abbie Buckalew, Jettie Buckalew, Maud Buckalew, Alman Buckalew, Claud Buckalew, Margaret Emma Boney, Eva Boney, Rufus Boney, Clarence Boney, Wilmer Boney, Willery H. Jackson, Edward T. Davis, Lucy Davis, William L. Davis, Annie Davis, Charles M. Davis, Rosier Davis, Alice Davis, Charlie Davis, Bessie Davis, Sadie Davis, Rosier S. Gavin, Withers Gavin, Charles R. Gavin, Clinton Gavin, Rex Gavin, George E. Gavin, David L. Gavin, Lucy Dedwylder, Charles A. Davis, Rosier S. Davis, Edward B. Davis, Evan M. Gavin, Janie Gavin, Lillie Jackson, Eddie Jane Jackson, Roy Calloway Jackson, Ada Amelia Jackson, Sam W. Griffin, Ada Powers, David N. Powers, Ada A. Powers, Fannie Bowles, Lucy J. Slay, John L. Slay, Agnes L. Slay, Deborah L. Slay, Belle L. Slay, Lucy L. Slay, Frank L. Slay, Bolway L. Slay, Mary L. Slay, Grady L. Slay, Harriet I. Carmichael, Allen Carmichael, Dugald Carmichael, Walter M. Carmichael, John J. Carmichael, Mary N. Dunnam, Edward Dunnam, Allen F. Dunnam, Siddle Dunnam, James R. Dunnam, Collin W. Dunnam, Deborah Ann McLendon, Annie F. McLendon, Charles Kennet McLendon, Allen F. McLendon, Jr., Luella Kate McLendon, John E. McLendon, Rosier A. McLendon, Norman Gunn, Henry S. Gunn, Jr., Harry S. Gunn, Jessie P. Gunn, Harriet Dedwylder, Rosier Davis Dedwylder, Bryant M. Dedwylder, Edward Jefferson Dedwylder, Lucy L. Boykin, Verginia E. Boykin, Amanda A. Boykin, Sallie Davis, John C. Nickels, Harriet A. Nickels, Ida L. Nickels, Joseph A. Nickels, Robert L. Nickels, Maggie Thornhill, Frank Thornhill, Carlie Thornhill, Onie Thornhill, James C. Denham, Fred Tracy Denham, Eva Jopes, Hugh Jopes, Eliza J. Denham, Chester E. Denham, Maud E. Denham, James W. Raley, Willie Rufus Raley, Ira Bonnie Raley, Mary Fletcher Raley, Edward Ernest Raley, Eula B. Raley, Anna Mack Raley, Emma Britton, Rubie M. Britton, Rosa D. Britton, Lottie M. Britton, Winnie E. Britton, Albert B. Britton, Eugene Russell Britton, Annie M. Britton,

Sallie Jacobs, Clyde O. Jacobs, John F. Gunn, Ethel Gunn, Grady Gunn, Ocllo Gunn, Miriam Gunn, Margaret D. Gunn, Alice Gunn, George W. Gunn, James J. Gunn, Harriett E. Loper, Hattie Loper, Gideon Loper, Alice Loper, Alexander Gunn, John H. Gunn, Alexander Gunn, Jr., Ada G. Gunn, Norman L. Gunn, Ida Gunn, Ruby Gunn, Ruth Gunn, Mattie M. Gunn, Mary E. Gunn, William A. Gunn, William A. Gunn, Jr., Susan E. T. Gunn, Jr., Priddie B. Gunn, James E. Gunn, Elizabeth A. Gunn, Margaret D. Gunn, Norman Gunn, James W. Gunn, George E. Griffin, Pauline Klopner, Paul L. Klopner, Alice Dunmire, Susie Dunmire, Minnie Conkey, Adelbert G. Gunn, Ernest S. Gunn, Robert Gunn, Belle Whitlock, and Essie Carter as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED).

T. C. Medico.

COMMISSIONER OF LANDS.

Registered.

COMMISSIONERS:
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M C R 4566

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES. Muskogee, Indian Territory, December 5, 1902.

Belle Whitlock,
Jackson, Mississippi.

Dear Madam:

You are hereby notified that on the 21st day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Thomas B. Griffin, et al., of which decision you were advised by registered mail on the 26th day of July, 1902.

Respectfully,


Acting Chairman.

#1655

No.

For Identification as a Mississippi Choctaw.
Meridian, Miss.

Date JAN 22 1902

Name Belle Whitlock

Age 25 Blood. 1/32

Post Office, Jackson, Miss.

Father James H. Denham &

Mother: Eliza Denham &

Claims through mother
Husband: George E. Whitlock &
No claim for him.

Claims for self only?

Children:

Father of Eliza = James G. Griffin & d
Mother " Elizabeth
M " James G. Griffin Harriet Griffin

Stenographer

J. A. Niles

4566

1302

JACKSON, 1855.

902

REGISTERED

UNCLAIMED

876
785-



Belle Whitlock,
Jackson,

Miss.

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.
OFFICIAL BUSINESS.
Penalty for private use, \$300.

REGISTERED
SEP 3 1902
JACKSON, MISS.

1052

4566

File



MISSION TO THE CIVILIZED TRIBES.

FILED

JAN 15 1903

[Signature]

ACTING CHAIRMAN.



Department of the Interior

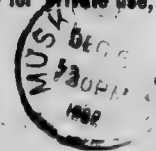
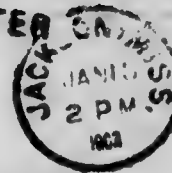
Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TERR.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

RETURNED BY WRITER



Belle Whitlock,

UNCLAIMED

Jackson,

Mississippi

Choctaw MCR 4567

Fannie Harris

See MCR 4549

MCR 4567

4567

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, January 22nd, 1902.

In the matter of the application of Fannie Harris for the identification of herself and eight minor children, Walter, Ellis, Pinkman, Fannie, Magruder, Meeks, Ellay and Aura P., as Mississippi Choctaws.

Said Fannie Harris, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Fannie Harris.
- Q How old are you? A I don't know, sir, exactly, I am about thirty-four.
- Q How much Choctaw blood have you? A I don't know how much.
- Q What is your postoffice address? A Starkville.
- Q Oktibbeha County, Mississippi? A Yes sir.
- Q How long have you lived in Oktibbeha County? A Been there all my days-raised there.
- Q Is your father living? A Yes sir.
- Q What is his name? A Jerry Doss.
- Q Is your mother living? A No sir.
- Q What was her name? A Julia Doss.
- Q Has your father any Choctaw blood? A Yes sir.
- Q How much? A I don't know how much, his daddy was Indian.
- Q How much Indian was his father? A They say he was an Indian man.
- Q Did his mother have any Indian blood? A I don't know, sir.
- Q Then your father is, at least, according to your statement, one half Choctaw? A Yes sir.
- Q His father was a full blood Indian? A Yes sir.
- Q What was the name of his father-your father's father? A Jerry.
- Q Did you ever see your father's father? A No sir.
- Q You know nothing about him? A No sir.
- Q Do you know where he lived? A No sir.
- Q Was he married to your father's mother? A I don't know, sir.
- Q Were or both of them slaves? A I don't know, sir.
- Q How much Choctaw blood did your mother have? A They said she was Indian.
- Q What do you mean by that-do you mean full blood? A Yes sir.
- Q Wasn't she a slave, your mother? A I don't know, sir, whether she was or not-I reckon so.
- Q How long has she been dead? A She has been dead a year now.
- Q About how old was she when she died? A I don't know exactly her age.
- Q About how old? A She might have been 47 years old-I don't know her age.
- Q Your father has been before the Commission here, hasn't he? A Yes sir.
- Q Do you know the name of Julia's father or mother? A No sir.
- Q But you have heard that she was a full blood Choctaw? A Yes sir.
- Q Did she speak or understand the Choctaw language? A I don't know.
- Q Do you? A No sir.
- Q Does your father? A No sir.
- Q Are you married? A Yes sir.

Fannie Harris et al---2

Q How many times have you been married? A Just once.
Q How many children have you living? A Eight.
Q What are their names and ages? A Walter.
Q How old is Walter? A He is eighteen.
Q Next one? A Ellis, he is about fourteen.
Q Next one? A Pinknam.
Q How old is he? A Ten or eleven years old.
Q Next one? A A gal, about nine years old.
Q What is her name? A Fannie.
Q Next one? A Magruder, eight years old.
Q Next one? A Meeks.
Q How old? A Seven years old.
Q Next one? A Ellay.
Q Is that a boy? A Yes sir.
Q How old? A Five.
Q Next one? A Aura P.
Q How old is he? A Two years old.
Q Is that all your children? A Yes sir.
Q Is Aura P. a boy or girl? A Boy. I haven't but one girl and that is Fannie.
Q Are these children all living with you at this time? A Yes sir.
Q What is the name of their father? A Meeks Harris.
Q Is he the father of all of them? A Yes sir.
Q Has he any Choctaw blood? A I don't know, sir.
Q You make no claim for him, then? A No sir.
Q This application is for yourself and eight minor children, is that right? A Yes sir.
Q Is your name or the name of anyone of these children to be found upon any of the Choctaw Tribal rolls in Indian Territory? A No sir.
Q Did you ever make any application or any one of these children before today? A No sir.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under article 14 of the treaty of Dancing Rabbit Creek for yourself and eight minor children? A Yes sir.
Q Do you understand article 14 of the treaty of Dancing Rabbit Creek? A I don't know.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw Tribe of Indians. At the time this treaty was made some of the Choctaws lived here in Mississippi and some in the western portion of the State of Alabama. The object of this treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River part of which is now occupied by the greater portion of the Choctaw Tribe of Indians and is commonly known as the Choctaw Nation Indian Territory. At the time this treaty was made some of the Indians were unwilling to leave this country and go out west and for the benefit of those who wanted to stay here what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who preferred to stay here in Mississippi might receive land here in Mississippi from the Government. It is as follows:-

Fannie Harris et al---3

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section for such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of the States, for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q That is the 14th article of the treaty of Dancing Rabbit Creek. Do you understand that? A Yes sir.

Q Did any of your ancestors ever comply or attempt to comply with the provisions of that 14th article or ever receive any benefits thereunder? A I don't know, sir.

Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830, when this treaty was made? A I reckon so.

Q Do you know whether they did or not? A I don't know, sir.

Q What one of your ancestors was living here 71 years ago when this treaty was made? A I don't know, sir.

Q Were any of your ancestors recognized members of the Choctaw Tribe of Indians here at that time? A No sir.

Q Did any of them remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A I don't know, sir.

Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here in Mississippi and become citizens of the States and take land? A I don't know.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A I don't know, sir.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under any other article of that treaty or under the supplement to that treaty? A I don't know, sir.

Q Did any of them ever get any land here in Mississippi from the Government to your knowledge? A I don't know, sir.

Q Did any of them ever get any money from the Government? A I don't know, sir.

Q Were any of them ever recognized members of the Choctaw Tribe of Indians? A No sir.

Fannie Harris et al---4

Q Do you know about that? A No sir, I don't know.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this Agent failed to register and report to the Government the names of many Choctaws who did in fact let him know that they wanted to stay here and become citizens of the States and take land and on this account the Government at its public land sales here in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under article 14 of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed an act which was approved on the 3rd day of March, 1837, providing for the appointment of a Commission to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. This Commission was duly appointed by the President of the United States and the Commissioners came down here to Mississippi and heard a few of these Choctaw cases but in the time allowed them by the act of Congress under which they were appointed and a later act of Congress which was approved on the 22nd day of February, 1838, providing for the continuance of this Commission, they were unable to dispose of but a comparatively small number of these cases. It therefore became necessary for Congress to make further provision whereby the remainder of these Indians might be given hearings, so another act was passed which was approved the 23rd day of August, 1842, providing for the appointment of another Commission to come down here and finish up this work. This Commission was duly appointed by the President of the United States and the Commissioners came down here to Mississippi in the forties and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before either of these Commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A I don't know, sir.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to select, in lieu thereof, land elsewhere in Mississippi, or in Alabama, Louisiana or Arkansas, from vacant Government land and should be given a certificate to that

Fannie Harris et al---5

effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any of this scrip from the Government of the United States under this act of Congress? A I don't know, sir.

Q So far as you know, have all of your ancestors always lived here in Mississippi? A Yes sir.

Q None of them ever lived in Indian Territory? A No sir, not as I know of.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir.

Q Have you any witnesses here today? A No sir.

If you should find any witnesses whose testimony you desire to have taken before this Commission they may appear before us at any time between now and the 15th of next month here at Meridian, or within a reasonable time there-after at the general office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q How many brothers have you living? A Five.

Q What are their names? A Jerry, John, Lee, Rob, and Nelson Doss.

Q Have you any sisters living? A Yes sir.

Q How many? A Two.

Q What are their names? A Annie Doss and Lena Doss.

Q Is either of them married? A Anna is married.

Q What is her husband's name? A Lowry.

Q One of your sisters is here today for the purpose of making application? A Yes sir, Lena is here today.

Q Have you any brothers or sisters dead? A Yes sir, I have two sisters dead.

Q Did either of them leave children? A No sir.

This applicant has the appearance of being possessed of a mixture of negro and either white or Indian blood, the negro blood predominating. She does not speak or understand the Choctaw language.

Ira S. Hiles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, January 22nd, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Ira S. Hiles
Subscribed and sworn to before me this the 29th day of January, 1902,

Fannie Harris et al---6

at Meridian, Mississippi.

L. B. Mosley
Clerk U.S. Circuit Court, Southern
District of Mississippi.

By *[Signature]* Deputy.

Muskogee, Indian Territory, August 8, 1902.

Fannie Harris,
Starkville, Mississippi.

Dear Madam:

You are hereby advised that on the 8th day of August 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Jerry Doss, et al., embracing the following applications for identification as Mississippi Choctaws:

Jerry Doss, et al.,	M.C.R. 4549
Jerry Doss Jr., et al.,	" 4576
Fannie Harris, et al.,	" 4567
Lena Doss,	" 4558
Nelson Doss, et al.,	" 4551.

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the

Y. H. #2.

evidence herein is insufficient to determine the identity of Jerry Deas, Robert Deas, Jerry Deas Jr., Sarah Deas, Wallace Deas, Julia Deas, Fannie Harris (No. 1), Walter Harris, Ellis Harris, Pinkann Harris, Fannie Harris (No. 2), Magruder Harris, Meeks Harris, Ellay Harris, Aura P. Harris, Lena Deas, Nelson Deas, John Deas and Walker Deas as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Acting Chairman.

Registered.

M.C.R. 4567.

COPY.

Muskogee, Indian Territory, November, 7, 1903.

Fannie Harris,

Starkville, Mississippi.

Dear Madam:

You are hereby advised that on the 24th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jerry Doss, et al., of which decision you were advised by registered mail on the 8th day of August, 1903.

Respectfully,

WGN: D

Tame Bixby.
Acting Chairman.

No. 4007

For Identification as a Mississippi Choctaw.
Meridian, Miss.

Date JAN 22 1902

Name Fannie Harris

Age 34

Blood dont know

Post Office, Starkville, Miss.

Father: Jerry Doss

L

Mother: Julia "

d

Claims through both parents.
(Claims for self and 8 children)

Children:

Walter Harris 18

Ellis " 14

Pinknam " 10

Fannie " 9

Agguder " 8

Mary " 7

Ellary " (M) 5

Aura P. " (M) 2

Father: Meeks Harris L
(no choctaw blood)

Father of Jerry Doss = Jerry Doss d

Stenographer

J. A. Niles.

Choctaw MCR 4568

Lena Doss

See MCR 4549

MCR 4568

✓

4568

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, January 22, 1902.

In the matter of the application of Lena Doss for identification as a Mississippi Choctaw.

Lena Doss, having been first duly sworn, upon her oath testified as follows:

Examination by the Commission.

- Q What is your name? A Lena Doss.
Q How old are you? A Twenty six.
Q How much Choctaw blood have you? A I don't know, sir.
Q What's your post office address? A Starkville, Mississippi.
Q Oktibbeha County, Mississippi? A Yes, sir.
Q How long have you lived there? A Been living there in Oktibbeha all my life.
Q Is your father living? A Yes, sir.
Q What's his name? A Jerry Doss.
Q Is your mother living? A No, sir, she's dead.
Q What was her name? A Julia Doss.
Q Through which one of your parents do you derive your Choctaw blood? A Both.
Q How much Choctaw blood has your father? A I don't know, sir; looks like he is three quarters, I suppose.
Q How much did your mother have? A She was full.
Q Full blood Choctaw? A Yes, sir.
Q You are sure of that are you? A Yes, sir.
Q Well, does your father speak or understand the Choctaw language?
A No, sir.
Q Do you? A No, sir.
Q Did your mother? A No, sir, I never heard her speak it.
Q Did Julia have any other name? A No, sir.
Q Did your father have any Choctaw name? A No, sir.
Q Both of them always lived here in the State of Mississippi? A Yes sir.
Q Were either of them slaves? A Yes, sir.
Q Both of them? A Yes, sir.
Q How old would your mother be if she were living now about?
A About seventy.
Q Now, do you know the name of your father's father? A No, sir, I don't know.
Q Or your father's mother? A No, sir.
Q Do you know the name -- ? A I only know the name, but I never saw them.
Q Do you know the name of either one of them? A Yes, sir, his pa was named Jerry, and his mother Mandy; but I haven't never saw either of them.
Q Both of them dead are they? A Yes, sir.
Q Now, the mother is Mandy? A Yes, sir.
Q Which one of them had Choctaw blood? A I don't know, sir.
Q Were both of them slaves? A I don't know, sir, I guess they was.
Q Do you know the name of either of your father's father's parents?
A No, sir.

Lena Doss, #2.

Q Do you know the name of either of your father's mother's parents?
A No, sir.
Q Do you know the name of your mother's father? A No, sir.
Q Or your mother's mother? A Yes, sir, I know the name of mother's mother.
Q What was her name? A Her name was Lena.
Q Was she a full blood Choctaw? A I don't know, sir.
Q Did you ever see her? A No, sir.
Q Was she a slave? A I don't know, sir.
Q So far as you know, have all of your ancestors always lived here in Mississippi? A Yes, sir, so far as I know.
Q Any of them ever live in Indian Territory? A No, sir.
Q Are you married? A No, sir.
Q Ever been married? A No, sir.
Q Any children? A No, sir.
Q This application is for yourself only then? A Yes, sir.
Q Is your name to be found upon any of the Choctaw tribal rolls in Indian Territory? A No, sir.
Q Did you ever make application to the Choctaw tribal authorities in Indian Territory to be admitted or enrolled as a member of that tribe? A No, sir.
Q Have you ever made any application of any kind before to-day?
A No, sir, I have not.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under article 14 of the treaty of Dancing Rabbit Creek? A Yes, sir.
Q Do you understand that 14th article of the treaty of Dancing Rabbit Creek? A No, sir, I don't clearly understand it.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw tribe of Indians. At the time that treaty was made, the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, a part of which is now occupied by the greater portion of the Choctaw tribe of Indians, and is commonly known as the Choctaw Nation, Indian Territory. At the time this treaty was made, some of the Indians were unwilling to leave this country, and for the benefit of those who wanted to stay here, what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who preferred to stay here in Mississippi might receive land here in Mississippi from the Government. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be enti-

Lena Doss, 3.

tled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you understand that 14th article now? A No, sir.
Q

Well, as I explained to you, this 14th article was put in the treaty for the benefit of people who were living seventy one years ago. If a Choctaw, at that time, was living here at that time and wanted to stay here when the rest of the Indians were moved out west, you know, he would be permitted to do so, and he could get land here; but he must let the agent know within six months after that treaty was ratified, and the treaty was ratified on the 24th day of February, 1831, that he wanted to stay here; he would then be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey, and for each unmarried child over ten years of age living with him, he was entitled to one-half that quantity, or three hundred and twenty acres of land; and for each child under ten years of age, he was entitled to one-quarter section, or one hundred and sixty acres of land; these reservations necessarily included the improvement of the head of the family as it existed on the 27th day of September, 1830, the day the treaty was made. Now, if they lived on this land for five years after the day the treaty was ratified, that is, five years from February 24, 1831, intending to become citizens of the States, in that case they were entitled to a grant in fee simple for the land; that is, the Government would give them the land, and they could do whatever they pleased with it. Any Choctaw who stayed here and took advantage of the provisions of article 14 of the treaty of Dancing Rabbit Creek, did not, by reason of having done so, lose the privilege of a Choctaw citizen, but if he ever moved out to the new nation, he would not be entitled to any portion of the Choctaw annuity. The Choctaw annuity is money paid each year to the Choctaws by the Government under treaty stipulations.

Q Do you understand that 14th article now? A Yes, sir.
Q Did any of your ancestors ever comply or attempt to comply with its provisions, or ever receive any benefits under that article?
A I don't know, sir.
Q Did any of them own an improvement here at that time? A No, sir.

Jena Doss, 4.

Q Were any of them recognized members of the Choctaw tribe of Indians here at that time? A I don't know, sir, whether they were or not.

Q Did any of them remove from the old Choctaw Nation, here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838?

A I don't know.

Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was ratified let, the agent of the Government for the Choctaws know that they wanted to stay here in Mississippi and become citizens of the States and take land? A I don't, know, sir, whether they did or not.

Q Any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A No, sir.

Q Not that you know of? A No, sir.

Q Did any of them ever get any land here in Mississippi from the Government? A No, sir, I don't know.

Q Did any of them ever get any money from the Government? A I don't know, sir.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register and report to the Government the names of many Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this agent failed to register and report to the Government the names of many Indians who did in fact let him know that they wanted to stay here and become citizens of the States and take land, and on this account, the Government at its public land sales here in Mississippi, in many instances, sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under article 14 of the treaty of Dancing Rabbit Creek. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed an Act which was approved on the third day of March, 1837, providing for the appointment of a commission to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. This commission was duly appointed by the President of the United States and the commissioners came down here to Mississippi and heard a number of these Choctaw cases, but in the time allowed them by the Act of Congress under which they were appointed, and a later Act of Congress which was approved on the 22nd day of February 1838, providing for the continuance of this commission, they were unable to dispose of but a comparatively small number of cases. It, therefore, became necessary for Congress to make further provisions by which the remainder of these Indians might be given hearings, so another Act was passed which was approved on the 23rd day of August, 1842, providing for the appointment of another commission to come down here to

Lena Doss, 5.

Mississippi and finish up this work. This commission was duly appointed by the President of the United States and the commissioners came down here in the forties, and heard a great many of these cases.

Q Did any of your ancestors appear before either of these commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A No, sir, not as I know of.

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in lieu thereof land elsewhere in Mississippi, or in Alabama, or Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any of this scrip from the Government of the United States under this act of Congress? A I don't know, sir.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, sir.

Q Have you any witnesses here to-day? A No, sir.

If you should find any witnesses whose testimony you desire to have taken by the Commission, they may appear before the Commission, here at Meridian, Mississippi, before the 15th of next month, or within a reasonable time thereafter at the General office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Have you any brothers living? A Yes, sir.

Q How many? A Five.

Q What are their names? A Jerry, Lee, John, Nelson and Robert.

Q Any sisters living? A Yes, sir.

Q What are their names? A Fannie Harris and Annie Lowery.

Q Have either of them been before the Commission? A Fannie was here yesterday morning.

Q Have you any brothers or sisters dead who left families? A Yes, sir, two sisters dead who left children.

Q What was the name of the eldest sister? A Emma.

Q How many children did she leave? A She left three.

Q Are they living now? A I haven't seen them in seven or eight years; they are in the bottoms somewhere.

Q With whom do they live? A Their father.

Q What's his name? A Steve Johnson.

Q What are their names? A The eldest girl named Lennie; the next

Lena Doss, 6.

is Lula, and a boy named Lilton.

Q What was the name of the other sister who died? A Mandy.

Q Did she leave children? A Yes, sir, she left five, two of them dead and three living, only two living now, three dead.

Q With whom do these two live? A Mattie and Maggie are their names.

Q With whom do they live? A With Jesse J. Gaines, who is married to Mattie.

Q What is the name of the father of these children? A Jesse Askew.

Q He had no Choctaw blood? A No, sir.

Q Steve Johnson any Choctaw blood? A No, sir.

Q Has any application ever been made for any of these children?

A No, sir.

Q Are there any further statements you desire to make at this time?

A No, sir.

(This applicant has the appearance of being possessed of a mixture of negro and either white or Indian blood. Her features and facial expressions are those of a negro; her hair is almost straight. She does not speak or understand the Choctaw language.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 22nd day of January, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. S. Streit
Subscribed and sworn to before me at Meridian, Mississippi
this 28th day of January, 1902.

L. D. Mosley
Clerk U.S. Circuit Court,
Southern District of Mississippi,

By *[Signature]*

Deputy.

M.C.R. 4568.

Muskogee, Indian Territory, August 8, 1902.

Lena Doss,

Starkville, Mississippi.

Dear Madam:

You are hereby advised that on the 8th day of August 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Jerry Doss, et al., embracing the following applications for identification as Mississippi Choctaws:

Jerry Doss, et al.,	M.C.R. 4549
Jerry Doss Jr., et al.,	" 4576
Fannie Harris, et al.,	" 4567
Lena Doss,	" 4568
Nelson Doss, et al.,	" 4551.

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

L. D. #2.

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Jerry Doss, Robert Doss, Jerry Doss Jr., Sarah Doss, Wallace Doss, Julia Doss, Fannie Harris (No. 1), Walter Harris, Ellis Harris, Pinknam Harris, Fannie Harris (No. 2), Magruder Harris, Meeks Harris, Ellay Harris, Aura P. Harris, Lena Doss, Nelson Doss, John Doss and Walker Doss as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Acting Chairman.

Register.

COPY.

M.C.R. 4562.

Muskogee, Indian Territory, November 7, 1902.

Lena Doss,

Starkville, Mississippi.

Dear Madam:

You are hereby advised that on the 24th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jerry Doss, et al., of which decision you were advised by registered mail on the 8th day of August, 1902.

Respectfully,

W. B. DIXBY

Wm B Dixby

Acting Chairman.

#1657

No. 4568

For Identification as a Mississippi Choctaw.

Meridian, Miss

Date

JAN 22 1902

Name

Lena Dose

Age

26

Blood dont know

Post Office, Starkville, Miss.

Father:

Jerry Dose (74) L

Mother:

Julia " (free) d

Claims through both parents.

(Claims for self only)

Children:

Father	Jerry Dose	74
Mother	Julia	free
Children	Lena	

Stenographer

R. A. Street.

Choctaw MCR 4569

Bryant J. Jackson

See MCR 4570

MCR 4569

4569

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, January 22, 1902.

In the matter of the application of Bryant J. Jackson
for the identification of himself and four minor children, Fannie,
Bryant, Nancy and Douglas, as Mississippi Choctaws.

Bryant J. Jackson, having been first duly sworn, upon
his oath testified as follows:

Examination by the Commission.

- Q What is your name? A Bryant J. Jackson.
Q How old are you? A I was born December 28, 1861.
Q Forty years old? A Yes, sir.
Q How much Choctaw blood have you? A About a quarter, I reckon.
Q What's your post office address? A Philipp.
Q What county? A Tallahatchie County.
Q How long have you lived in Tallahatchie County? A About two months.
Q Where did you live before that? A Carroll County.
Q How long did you live there? A Been living there since - all my life.
Q Did you live in this State all of your life? A Yes, sir, well, except I lived in Florida about five years.
Q When was that? A In '84 up until '89.
Q Where were you born? A Born in Mississippi.
Q What county? A In Choctaw County.
Q Is your father living? A No, sir.
Q What was his name? A His name is Henry Jackson.
Q Is your mother living? A No, sir.
Q What was her name? A Her name was Fannie Jackson.
Q Through which one of your parents do you derive your Choctaw blood? A My father's side.
Q Did your father always live in the State of Mississippi? A Yes, sir.
Q How old would he be if he were living now? A He would be about seventy years old, I expect.
Q Do you speak or understand the Choctaw language? A No, sir.
Q Did he? A I don't know, sir.
Q Was your father a slave? A Not as I know of.
Q Was your mother? A Yes, sir.
Q Through which one of his parents did your father get his Choctaw blood? A From my grand father.
Q From his father? A Yes, sir, from his father.
Q What was his name? A John Robinson.
Q He was a full blood Choctaw, was he? A Yes, sir.
Q Did you ever see him? A No, sir.
Q How long has he been dead? A I don't know, sir.
Q How do you know he was a full blood Choctaw? A I heard my father say so.
Q Do you know where John Robinson lived during his life time? A I heard my father say he lived in Mississippi.
Q Where? A In Choctaw County.
Q Do you know whether he spoke or understood the Choctaw language?

Bryant J. Jackson, et al., 2.

A I guess he did.
Q You don't know for certain? A No, sir, I don't know.
Q What's the name of your father's mother? A Her name was Meely, I heard him say.
Q She had no Choctaw blood? A I don't know, sir.
Q Are you married? A Yes, sir.
Q Wife living? A Yes, sir.
Q What's her name? A Her name is Caldonia.
Q Has she any Choctaw blood? A No, sir.
Q No claim for her then? A No, sir.
Q Have you any children under age for whom you want to make application? A Yes, sir.
Q How many? A Four.
Q What are their names and ages? A Fannie, I think she's about 14 years old; she was born the 28th day of December, 1887.
Q Next one? A Bryant. He was born the first day of January, 1890.
Q Next one? A Nancy; she was born in February, I think, '92.
Q Next one? A Douglas, born in June - June 6, '94.
Q That all of your children? A Yes, sir.
Q Are these children all living with you now? A Yes, sir.
Q Are they all the children of yourself and Caldonia Jackson?
A Yes, sir.
Q Have you been married more than once? A No, sir.
Q Has she? A No, sir.
Q This application, then, is for yourself and four minor children?
A Yes, sir.
Q Is your name or the name of any one of these children to be found upon any of the Choctaw tribal rolls in Indian Territory?
A Not as I know of.
Q Did you ever make application to the Choctaw tribal authorities for yourself or any of these children to be admitted or enrolled as members of that tribe? A Not before to-day.
Q This is not the tribal authorities? A No, sir.
Q This is the first application of any kind that you have made, is it? A Yes, sir.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under article 14 of the treaty of Dancing Rabbit Creek for yourself and four minor children? A Yes, sir.
Q Do you understand that article 14 of the treaty of Dancing Rabbit Creek? A I don't know, sir, I guess I do.
Q You have heard it repeated here several times to-day? A Yes, sir.
Q And you think you understand it? A Yes, sir.
Q Did any of your ancestors ever comply or attempt to comply with its provisions, or ever receive any benefits under that article?
A No, sir, not that I know of.
Q Did any of your ancestors own an improvement here in the old Choctaw Nation, in Mississippi and Alabama, in the year 1830, when this treaty was made? A No, sir.
Q Were any of them recognized members of the Choctaw tribe here at that time? A I don't know, sir.
Q Did any of them live in the old Choctaw Nation, in Mississippi and Alabama, at the time this treaty was made? A I don't know, sir, I reckon some of the relations lived here then.
Q Did any of your ancestors remove from the old Choctaw Nation,

Bryant G. Jackson, et al., 3.

here in Mississippi and Alabama to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838?

A I don't know, sir.

Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi for the Choctaws know that they wanted to stay here in Mississippi and become citizens of the States and take land? A I don't know.

Q Did any of them ever claim or receive any land here in Mississippi from the Government under article 14 of the treaty of Dancing Rabbit Creek? A Not that I know of.

Q Did any of them ever claim or receive any land here in Mississippi from the Government under any other article of that treaty, or under the supplement to that treaty? A No, sir.

Q You are sure that none of your ancestors ever got any land here in Mississippi from the Government? A Not as I know of.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this agent failed to register and report to the Government the names of many Indians who did in fact let him know that they decided to remain here and become citizens of the States and on this account, the Government at its public land sales here in Mississippi, in many instances sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under article 14 of the treaty of Dancing Rabbit Creek. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress and Congress passed an Act which was approved on the third day of March, 1837, providing for the appointment of a Commission to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government; this commission was duly appointed by the President of the United States and the commissioners came down here to Mississippi and heard a few of these Choctaw cases, but in the time allowed them by the Act of Congress under which they were appointed, and a later Act of Congress which was approved on the 22nd day of February, 1838, providing for the appointment of a commission, they were unable to dispose of but a comparatively small number of cases. It, therefore, became necessary for Congress to make further provisions by which the remainder of these Indians might be given hearings, so another Act was passed which was approved on the 23rd day of August, 1842, providing for the appointment of another commission to come down here to Mississippi and finish up this work. This commission was duly appointed by the President of the United States and the commissioners came down here in the forties and heard a great many more of these cases.

Bryant J. Jackson, et al. 4.

Q Did any of your ancestors appear before either of these commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A I don't know, sir.

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in lieu thereof land elsewhere in Mississippi, or in Louisiana, or Alabama, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any of this scrip from the Government of the United States under this Act of Congress?

A No, sir, not that I know of.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek? A No, sir.

Q Have you any witnesses here to-day? A Yes, sir.

Q How many? A Three.

Q What are their names? A Montgomery Irve.

Q Next one? A Eugenia Wilson and Jim Ingram.

Q What do you expect to prove by these witnesses? A

By A.W.Jones:

Your Honor, I don't think it is necessary to put all three of these witnesses, for only two of them know anything about it, and the only thing we can prove by them is a conversation they had with this young man's father, and to prove that he is descendant.

By A.W.Jones:

Was your father's name John Robinson or Henry Robinson? A My father's name was Henry Jackson, and his right name --

Q Just wait now; you gave the name to the Commission as John Robinson?

By Commission:

No, not his father.

By A.W.Jones:

The evidence to introduce in this case is to prove the conversation they had with the father of this young man.

By Commission:

About what?

By A.W.Jones:

About his being appreciated as a Choctaw Indian, and he is the descendant of the same gentleman and that's all.

By A.W.Jones:

Now, what's your name? A Named Bryant Jackson.

Q Are you a brother of George Jackson? A Yes, sir.

Bryant J. Jackson, et al., 5.

Q Bryant, do you know, or not know, whether your father was recognized as a Choctaw Indian? A Yes, sir.

Q Just state to the Commission how? A I know that uncle Nubby used to come there and stay with him, and said that my father's father was his brother.

Q Who was uncle Nubby? A Nubby Robinson

Q Who was he? A Indian.

Q Full blood Indian? A Yes, sir.

Q And he said that your father's father was a Nephew of his? A Yes, sir.

Q You heard him say that? A Yes, sir.

Q How long has uncle Nubby Robinson been dead? A Yes, sir, I don't know.

Q How long has it been since you hear that conversation? A Long time ago.

Q About how long? A I was small.

Q Were you ten or twelve years old? A I reckon I was about ten years old.

Q And you heard him say, and he recognized your father as being an uncle of his? A Yes, sir.

Q Could your father speak the Indian language? A I don't know.

By Commission:

How many brothers have you living? A One.

Q What's his name? A George Jackson.

Q He has been here to day? A Yes, sir.

Q How many sisters have you living? A One.

Q What's her name? A Emily Durham.

Q She is the Emily Durham who appeared before us here to-day?

A Yes, sir.

Q Any of your father's brothers or sisters living, or any of their descendants living? A I don't know, sir.

(This applicant has the appearance of being a negro, and shows no indication of being possessed of Indian blood; she does not speak or understand the Choctaw language.)

R.S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on January 22nd, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

Subscribed and sworn to before me at Meridian, Mississippi, this 29th day of January, 1902.

R. S. Streit
L. B. Mosley
Clerk U.S. Circuit Court,
Southern District of Mississippi,

By *[Signature]*

Deputy.

Miss. Choctaw 4569

Muskogee, Indian Territory, October 1, 1902.

B. J. Jackson,

Phillip, Mississippi,

Dear Sir:

Receipt is hereby acknowledged of your letter of September 29, asking if your marriage certificate has been received in support of your application for the identification of yourself and your minor children as Mississippi Choctaws, and when a decision is likely to be reached in your case.

In reply to your letter you are advised that it does not appear from our records that your marriage certificate has been offered for filing with the records in this case. No decision has been reached in your case nor opinion rendered relative to your rights as Mississippi Choctaws, and it is impossible at this time to say just when the same will be taken up for consideration, but as soon as a decision is reached you will be notified of the action of the Commission and of the forwarding of the record in the case to the Secretary of the Interior for review.

Respectfully,

COPY.

M.C.R. 4569

Muskogee, Indian Territory, December 12, 1902.

Bryant J. Jackson,
Philipp, Mississippi.

Dear Sir:

You are hereby advised that on the 12th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Emily Durham, et al., embracing the following applications for identification as Mississippi Choctaws:

Emily Durham, et al.,	M.C.R. 4570
George W. Jackson, et al.,	M.C.R. 4571
Bryant J. Jackson, et al.,	M.C.R. 4569

These applications were made under the provision of the act of Congress of June 28, 1898 (50 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Emily Durham, Everett Ford, Roxy Durham, Emmet Durham, Joseph Durham, Paralee Durham, George W. Jackson, Elsie Jackson, Sallie Jackson, George Jackson, Henry Jackson, Emily Jackson, Beatrice Jackson, Maggie Jackson, Lake Holmes, David Holmes, Lucy Holmes, Fisher Holmes, Bryant J. Jackson, Fannie Jackson, Bryant Jackson, Nancy Jackson and Douglas Jackson, as Choctaw Indians entitled to rights in

-2-

the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Acting Chairman.

Registered.

M.C.R. 4569

COPY.

Muskegee, Indian Territory, April 23, 1903.

Bryant J. Jackson,
Philipp, Mississippi.

Dear Sir:

You are hereby notified that on the 10th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Emily Durham, et al., of which decision you were advised by registered mail on the 18th day of December, 1902.

Respectfully,

(SIGNED),

Tamie Pinky
Chairman.

#1631

No. 4589

For Identification as a Mississippi Choctaw.

Meridian, Miss.

Date JAN 22 1902

Name Bryant J. Jackson

Age 40

Blood 1/4

Post Office, Philipp, Miss

Father: Henry Jackson d

Mother: Fannie " d

Claims through father
 wife Calsonia Jackson L
 (No claim for wife)
 (Claim for 2 children) 4 children

Children:

Fannie	Jackson	14
Bryant	"	12
Nancy	"	9
Douglas	"	7

Father of Bryant Jackson and Calsonia Jackson

Stenographer

R. S. Street

Choctaw MCR 4570

Emily Durham

See MCR 4569, 4571

MCR 4570

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Emily Durham, et al.,
for identification as Mississippi Choctaws, consolidating the
applications of -

Emily Durham, et al., M.C.R. 4870
George W. Jackson, et al., M.C.R. 4871
Bryant J. Jackson, et al., M.C.R. 4869

List of papers forwarded to the Secretary of the Interior, comprising the record in the consolidated case of Emily Durham, et al.

	Page.
Original application of Emily Durham, et al., before the Dawes Commission for identification as Mississippi Choctaws	1
Certified copy of decree of divorce in the case of Frank Ford v. Emily Ford	7
Original application of George W. Jackson, et al., before the Dawes Commission for identification as Mississippi Choctaws	8
Testimony of Jim Ingram	18
Testimony of Eugenia Wilson	20
Marriage certificate of George Jackson and Pelithi Billingsway	22
Certified copy of marriage certificate of G.W. Jackson and Amy C. L. Williams	22 a
Original application of Bryant J. Jackson, et al., before the Dawes Commission for identification as Mississippi Choctaws	23
Decision of the Commission refusing the consolidated appli- cation of Emily Durham, et al., for identification as Mississippi Choctaws	27

4570

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, January 22nd, 1902.

In the matter of the application of Emily Durham for the identification of herself and five minor children, Everett, Roxy, Emmet, Joseph and Paralee, as Mississippi Choctaws.

Emily Durham, having been first duly sworn, upon her oath testified as follows:

Examination by the Commission.

- Q What is your name? A Emily Durham.
- Q How old are you? A About forty six or seven years old.
- Q How much Choctaw blood have you? A Well, I don't know, sir, my grand father was a full blood Indian - Choctaw Indian - of course, he was my father's father.
- Q The Choctaw blood just comes on one side of the family, your father and his father; is that it? That would make you a quarter then, would it? A Yes, sir.
- Q What's your post office address? A Vaden, Carroll County, Mississippi.
- Q How long have you lived in Carroll County? A I have been living there ever since I was small in Carroll County.
- Q Where did you live before you went to Carroll? A In Leake County.
- Q And lived there until you went to Carroll did you? A Yes, sir.
- Q Is your father living? A No, sir.
- Q What was his name? A He went by the name of Henry Jackson; but his father was named John Robinson - was his Indian name; but he registered Henry Jackson.
- Q What do you mean by register? A That was after the surrender; I heard him say he registered.
- Q As Henry Jackson? A Yes, sir.
- Q Is your mother living? A No, sir.
- Q What was her name? A Fannie Jackson.
- Q Through which one of your parents do you derive your Choctaw blood? A My father.
- Q Were your father and mother lawfully married? A From what they said.
- Q Have you any evidence to that fact? A No, sir.
- Q They were married according to slavery customs? A I don't know, sir, about that.
- Q How many children did they raise? A Three of us.
- Q How much Choctaw blood do you claim your father had? A I think he was half; I reckon. My grand father was full blood Indian.
- Q Do you speak or understand the Choctaw language? A No, sir, I couldn't understand any of it.
- Q You couldn't talk it or understand it? A No, sir.
- Q Could your father speak or understand it? A Yes, sir, he could understand it; I have heard him say a good many words of the language, but, of course, I have forgot it.

Emily Durham, et al., 2.

Q Your mother? A Yes, sir.
Q Through which one of his parents did your father get his Choctaw blood? A I don't know, sir, only from his father, my grand father.
Q You said a while ago that he was a full blood? A Yes, sir.
Q Did his mother have any Choctaw blood? A No, sir.
Q What was the name of your father's father? A John Robinson.
Q Did you ever see John Robinson? A No, sir.
Q Do you know where he lived during his life time? A No more than what I heard my father say, in Choctaw.
Q In Choctaw what? What do you mean by Choctaw? A Choctaw County.
Q This State? A Yes, sir.
Q Well, did your father spend his whole life in the State of Mississippi? A Yes, sir, until he died.
Q Did John Robinson, his father, have any other name besides John Robinson? A Not as I know of.
Q Do you know how old he would be if he were living now? A No, sir, I have no memory of how old he would.
Q Do you know the name of either one of his parents? A No, sir.
Q How old would your father be if he were living now? A I don't know, sir, how old he would be; he was something in sixty when he died.
Q How long ago? A About thirteen years ago, I think.
Q Are you married? A Yes, sir.
Q Is your husband living? A Yes, sir.
Q What's his name? A Gus Durham.
Q Has he any Choctaw blood? A No, sir.
Q You make no claim for him then? A No, sir.
Q Have you been married more than once? A Yes, sir.
Q How many times? A This is the second time.
Q Has he been married more than once? A Yes, sir.
Q Is your first husband living? A Yes, sir he is living.
Q Have you any children by your present husband? A Yes, sir, four-one by my first husband - the oldest.
Q None of them are of age? A No, sir.
Q Were you and your first husband married under a license? A Yes sir.
Q Did you get a divorce from him? A Yes, sir.
Q Where did you get that divorce? A In Carroll County; at Vaden.
Q You went into the courts and secured a divorce from him? A Well, I didn't appear; I went and give him permission, so he could pay for it and get it; he paid for it and I gave him permission; he sued for it, and I consented for him to get it.
Q How long after your first husband secured a divorce from you was it your married the second time? A I reckon four or five years, or three or four.
Q Now, what are the names of these children for whom you want to apply? A Everett Ford.
Q He is your child by your first husband? A Yes, sir.
Q How old is he? A Eighteen the 19th of last December.
Q What's the name of his father? A Frank Ford.
Q Is he living now? A Yes, sir; but he is not present.
Q Has he any Choctaw blood? A No, sir.
Q What are the names of your other children and their ages?
A Rexy.
Q How old? A She was 8 years old the 14th day of last June.
Q Next one? A Emmet.
Q How old? A He was 7 years old the 2nd day of last July.

Billy Durham, et al., 3.

Q Next one? A Joseph.

Q How old? A Five years old the 18th day of January.

Q Next one? A Paralee.

Q How old? A Was two years old New Year's day; the first day of January, this year.

Q Are these children all living with you? A Yes, sir.

Q What is the name of the father of these last four? A Gus Durham.

Q He has no Choctaw blood? A No, sir.

Q This application is for yourself and five minor children? A Yes, sir.

Q Is your name, or the name of any one of these children, to be found upon any of the Choctaw tribal rolls in Indian Territory? A I don't know.

Q Did you ever make application to the Choctaw tribal authorities in Indian Territory for yourself or any one of these children to be admitted or enrolled as members of the Choctaw tribe? A No, sir, this is the first application of any kind I ever made.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under article 14 of the treaty of Dancing Rabbit Creek? A Yes, sir.

Q Do you understand article 14 of the treaty of Dancing Rabbit Creek? A Yes, sir.

Q Did any of your ancestors ever comply or attempt to comply with its provisions, or ever receive any benefits under that article? A Not as I know of.

Q Were any of them recognized members of the Choctaw tribe of Indians here in Mississippi on the 27th day of September 1830, when the treaty was made? A If they was, I don't know anything of it.

Q Did any of them own an improvement here at that time? A I don't know, sir.

Q Do you know A I don't know; I didn't understand it.

Q Well, now, did any of them own improvements - cultivated land with buildings on it - here seventy one years ago when this treaty was made? A No, sir, not that I know of.

Q Did any of them live here in the old Choctaw Nation in Mississippi and Alabama, in the year 1830, when this treaty was made? A If they did, I don't know anything about it.

Q Did any of your ancestors remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A No, sir, I don't know no more than my father stayed here in Mississippi.

Q Well, your father wasn't living here at the time the Indians were moved out west from this country, was he; nearly seventy one years ago? A No, sir, I don't know, sir. He was only sixty some odd years old, and of course he --

Q Well, he might have been living here then? A Yes, sir.

Q He would be seventy some odd now? A Yes, sir; of course, he was living here then.

Q But he never went out there? A No, sir.

Q Did any of his people go out there? A No, sir, not that I know of.

Q Did any of your ancestors, within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi for the Choctaws know that they wanted to stay

Emily Durham, et al., 4.

here in Mississippi and become citizens of the States and take land?

A If they did, I don't know anything about it.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A If they did, I don't remember of having heard them say anything about it.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under any other article of that treaty, or under the supplement to that treaty? A Not as I know of.

Q Did you ever hear of any of your ancestors ever having gotten any land here in Mississippi from the Government? A No, sir.

Q Or any money? A No, sir.

Q Were any of them ever recognized members of the Choctaw tribe of Indian, to your knowledge? A Yes, sir, by old man Nubby Robinson, he used to recognize and visit my father when he would be passing.

Q He was a full blood Choctaw, was he? A Yes, sir.

Q Now, what I mean by recognized, is, were they ever admitted to citizenship in the Choctaw Nation; ever belong to the tribe, and associate entirely with the Indians like the Indians did, and sustain tribal relations? A No, sir, he never traveled none, but when they passed through here they stopped and visited him, and of course, they corresponded with each other as I know of.

Q Well, here seventy one years ago, do you know whether any of your people at that time were recognized members of the tribe or not? A My grand father, I guess he was.

Q You don't know whether he was or not? A No, sir, I heard my father say that my grand father was a full blood Indian, and I reckon back then days he was recognized with the Nation.

Q Any of your ancestors ever receive any benefits as Choctaw Indians? A No, sir, I have not.

Q Any of your ancestors, not you? A No, sir, not that I know of.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this agent failed to register and report to the Government the names of many Indians who did in fact let him know that they wanted to stay here and become citizens of the States and take land, and on this account, the Government at its public land sales here in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under article 14 of the treaty. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress and Congress passed an Act which was approved on the third day of March, 1837, providing for the appointment of a commission to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. This commission was duly appointed by the President of the United

Emily Durham, et al., 5.

States, and the commissioners came down here to Mississippi and heard a few of these Choctaw cases, but in the time allowed them by the Act of Congress under which they were appointed, and a later Act of Congress which was approved on the 22nd day of February, 1838, providing for the continuance of the commission, they were unable to dispose of but a comparatively small number of cases. It, therefore, became necessary for Congress to make further provisions by which the remainder of these Indians might be given hearings, so another Act was passed which was approved on the 23rd day of August, 1842, providing for the appointment of another commission to come down here to Mississippi and hear the remainder of these cases. This commission was duly appointed by the President of the United States and the commissioners came down here to Mississippi in the 40's and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before either of these commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A I don't know.

Q

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in the place of that land sold by the Government, land some place else in Mississippi, or Alabama or Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any of this scrip from the Government of the United States under this Act of Congress?

A If they did, I don't know anything about it.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied, or attempted to comply, with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A I have some three witnesses here who can state.

Q What are their names? A Mr. Irve and Ingram, and Mrs. Eugenia Wilson.

Q Can you prove by any of these witnesses whether your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek? A They can prove that my grand father was a Indian; that's, of course, as far as I can state.

Q Does anybody else know anything about a compliance on the part of your ancestors with this 14th article? A No, sir, no one else.

If you should find any other witnesses whose testimony you desire to have taken before the Commission, they may appear before the Commission here in Meridian, Mississippi,

Emily Durham, et al., 6.

at any time before the 15th of next month, or within a reasonable time thereafter at the General Office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Are there any further statements you want to make? A No, sir.
Q Have you any brothers living? A Yes, sir, two.
Q What are their names? A George Jackson and Bryant Jackson.
Q Has either one of them been before the Commission? A Yes, sir.
Q Which one? A George Jackson.
Q When? A Before I came in.
Q To-day? A Yes, sir.
Q Have you any sisters living? A No, sir, never had any sisters at all.
Q These two brothers are full brothers? A Full brothers and sisters by my mother and father.
Q Have you any children who are of age? A No, sir.
Q Have you any brothers or sisters dead? A Two brothers.
Q Did they die in infancy? A Yes, sir.
Q Are any of your father's brothers or sisters, or any of their descendants living? A Well, I couldn't tell anything about his brothers or sisters.

(This applicant has the appearance of being a negro, and shows no indication of being possessed of Indian blood. She does not speak or understand the Choctaw language.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 22nd day of January, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. S. Streit

Subscribed and sworn to before me at Meridian, Mississippi, this the 29th day of January, 1902.

L. B. Mosley
Clerk U.S. Circuit Court,
Southern District of Mississippi,

By

J. M. M.

Deputy.

COPY.

J. F. W.
Cov.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Emily Durham, et al., for identification as Mississippi Choctaws, consolidating the applications of -

Emily Durham, et al., M.C.R. 4870
George W. Jackson, et al., M.C.R. 4871
Bryant J. Jackson, et al., M.C.R. 4889

D E C I S I O N .

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by Emily Durham for herself and her five minor children, Everett Ford, Mary, Emmet, Joseph and Fannie Durham; by George W. Jackson for himself, his wife, Elsie Jackson, his six minor children, Sallie, George, Henry, Emily, Beatrice and Maggie Jackson, and his four step-children, Lake, David, Lucy and Fisher Holmes; and by Bryant J. Jackson for himself and his four minor children, Fannie, Bryant, Nancy and Douglas Jackson, under the following provision of the act of Congress approved June 22, 1898 (30 Stat., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw

lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants, except Elsie Jackson, Lake Holmes, David Holmes, Lucy Holmes and Fisher Holmes, claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of John Robinson, who is alleged to have been a full blood Choctaw Indian and to have resided in Mississippi in eighteen hundred and thirty; and that the applicants, Elsie Jackson, Lake Holmes, David Holmes, Lucy Holmes and Fisher Holmes, claim said rights by reason of being descendants of Sumners Hardeman, who is alleged to have been a full blood Choctaw Indian.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1906 (34 Stat., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or

attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said John Robinson or Summers Hardeman, or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats. 180) and August 23, 1842 (5 Stats. 513.)

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Emily Durham, Everett Ford, Roxy Durham, Emmet Durham, Joseph Durham, Paralee Durham, George W. Jackson, Elsie Jackson, Sallie Jackson, George Jackson, Henry Jackson, Emily Jackson, Beatrice Jackson, Maggie Jackson, Lake Holmes, David Holmes, Lucy Holmes, Fisher Holmes, Bryant J. Jackson, Fannie Jackson, Bryant Jackson, Nancy Jackson and Douglas Jackson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

James R. Dixon.
Acting Chairman

T. B. Needles.
Commissioner

C. R. Breckinridge.
Commissioner

Muskogee, Indian Territory

DEC 12 1902

Muskogee, Indian Territory, December 12, 1902.

S.A. Beadle,
Attorney-at-Law,
Jackson, Mississippi.

Dear Sir:

You are hereby advised that on the 12th day of December, 1902, the Commission to the Five Civilized Tribes, rendered a decision in the consolidated case of Emily Durham, et al., embracing the following applications for identification as Mississippi Choctaws:

Emily Durham, et al.,	M.C.R. 4570
George W. Jackson, et al.,	M.C.R. 4571
Bryant J. Jackson, et al.,	M.C.R. 4569

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Emily Durham, Everett Ford, Remy Durham, Emmet Durham, Joseph Durham, Paralee Durham, George W. Jackson, Elsie Jackson, Sallie Jackson, George Jackson, Henry Jackson, Emily Jackson, Beatrice Jackson, Maggie Jackson, Lake Holmes, David Holmes, Lucy Holmes, Fisher Holmes, Bryant J. Jackson, Fannie Jackson, Bryant Jackson, Nancy

-3-

Jackson, and Douglas Jackson, as Ojibwa Indians entitled to rights in the Ojibwa lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded for review to the Secretary of the Interior, through the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

SIGNED:

James L. May

Acting Chairman.

Registered.

py.
M.C.R. 4570

Muskogee, Indian Territory, December 12, 1902.

A.W. Jones,

Agent,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 12th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Emily Durham, et al., embracing the following applications for identification as Mississippi Choctaws:

Emily Durham, et al.,	M.C.R. 4570
George W. Jackson, et al.,	M.C.R. 4571
Bryant J. Jackson, et al.,	M.C.R. 4569

These applications were made under the provision of the act of Congress of June 28, 1895 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Emily Durham, Everett Ford, Raxy Durham, Emmet Durham, Joseph Durham, Paralee Durham, George W. Jackson, Elsie Jackson, Sallie Jackson, George Jackson, Henry Jackson, Emily Jackson, Beatrice Jackson, Maggie Jackson, Mike Holmes, David Holmes, Ray Holmes, Fisher

-2-

Holmes, Bryant J. Jackson, Fannie Jackson, Bryant Jackson, Nancy Jackson and Douglas Jackson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Acting Chairman.

Registered.

M.C.R. 4570

Muskogee, Indian Territory, December 12, 1902.

Mansfield, McMurray & Gernish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 12th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Emily Durham, et al., embracing the following applications for identification as Mississippi

Choctaws:

Emily Durham, et al.,	M.C.R. 4570
George W. Jackson, et al.,	M.C.R. 4571
Bryant J. Jackson, et al.,	M.C.R. 4569

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Emily Durham, Everett Ford, Rexy Durham, Emmet Durham, Joseph Durham, Paralee Durham, George W. Jackson, Elsie Jackson, Nellie Jackson, George Jackson, Henry Jackson, Emily Jackson, Beatrice Jackson, Maggie Jackson, Luke Holmes, David Holmes, Lucy Holmes, Fisher Holmes, Bryant J. Jackson, Fannie Jackson, Bryant Jackson, Nancy Jackson and Douglas Jackson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to

COPY

-2-

file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

James Dixby.
Acting Chairman.

M.C.R. 4570

Maskogee, Indian Territory, December 12, 1902.

Emily Durham,
Vaden, Mississippi.

Dear Madam:

You are hereby advised that on the 12th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Emily Durham, et al., embracing the following applications for identification as Mississippi Choctaws:

Emily Durham, et al.,	M.C.R. 4570
George W. Jackson, et al.,	M.C.R. 4571
Bryant J. Jackson, et al.,	M.C.R. 4569

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Emily Durham, Everett Ford, Remy Durham, Emmet Durham, Joseph Durham, Paralee Durham, George W. Jackson, Elsie Jackson, Sallie Jackson, George Jackson, Henry Jackson, Emily Jackson, Beatrice Jackson, Maggie Jackson, Lake Holmes, David Holmes, Lucy Holmes, Fisher Holmes, Bryant J. Jackson, Fannie Jackson, Bryant Jackson, Nancy

-2-

Jackson and Douglas Jackson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tamc Dixby.
Acting Chairman.

Registered.

Muskogee, Indian Territory, December 29, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Emily Durham, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of December 12, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws, heard by the Commission:

Emily Durham, et al.,	M.C.R. 4870
George W. Jackson, et al.,	M.C.R. 4871
Bryant J. Jackson, et al.,	M.C.R. 4869

The Commission has the honor to report that the principal applicants in the several separate applications, their attorney of record, agent, and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Through the

Commissioner of Indian Affairs.
Enc. M.C.R. 4870

Tame Dixie

Acting Chairman.

COPY,
DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS.
WASHINGTON.

Land
25--1903.

March 23, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record and proceedings has before the Commission to the Five Civilized Tribes in the matter of the application of Emily Durham for the identification of herself and her five minor children, Everett Ford, Roxy, Emmet, Joseph and Paralee Durham; the application of George W. Jackson for himself and his wife Elsie Jackson, and his six minor children, Sallie, George, Henry, Emily, Beatrice and Maggie Jackson, also his four step-children, Lake, David, Lucy and Fisher Holmes; and also the application of Bryant J. Jackson for the identification of himself and his four minor children, Fannie, Bryany, Nancy and Douglas Jackson--- all as Mississippi Choctaws.

On December 12, 1902, the Commission rendered a decision in this case finding that the evidence submitted in behalf of the applicants is insufficient to determine their identity as Mississippi Choctaw Indians entitled to rights in the lands of the Choctaw Nation under the provisions of article 14 of the treaty of 1830, and that their applications for such identification should be refused.

An examination of the record evidence shows that the applicants Elsie Jackson, Lake, David, Lucy and Fisher Holmes claim rights as Mississippi Choctaws by being the descendants of Summers Hardeman, and that the remainder of the applicants above named claim to be the descendants of John Robinson, both of which ancestors are alleged to have been full-blood Choctaw Indians. But neither the record evidence nor an examination of the records in this office shows that any person by the name of Summers Hardeman or John Robinson ever complied or attempted to comply with the provisions of article 14 of said treaty, or secured a patent for land thereunder.

By reason of the premises the office considers the said decision of the Commission correct and recommends that it be approved by the Department.

Very respectfully,

A. C. Tenner,
Acting Commissioner.

W.C.B.(8)

COPY.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

FHE

D.C. 10461
LTD 3218-1903.
L R S

April 10, 1903.

Commission to the Five Civilized Tribes,

Muskogee, I.T.

Gentlemen:

December 29, 1902, you transmitted the record in the matter of the applications for identification as Mississippi Choctaws, of Emily Durham and her minor children, Everett Ford, and Roxy, Emmett, Joseph and Paralee Durham; of George W. Jackson and his wife Elsie Jackson, and his minor children, Sallie, George, Henry, Emily, Beatrice and Maggie Jackson, and his step-children, Lake, David, Lucy and Fisher Holmes; and of Bryant J. Jackson and his minor children, Fannie, Bryant, Nancy and Douglas Jackson. You refused the applications December 12, 1902.

The applicants trace their Choctaw ancestry from John Robinson, alleged to have been a full blood Choctaw Indian residing in Mississippi in 1880, or from Summers Hardeman who is alleged to have been a full blood Choctaw Indian.

The records fail to show that the applicants were ever admitted or enrolled as citizens of the Choctaw Nation, or that either of their ancestors above named complied or

-2-

attempted to comply with article 14 of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513).

The Acting Commissioner of Indian Affairs reporting March 23 recommends that your decision be approved. A copy of his letter is inclosed.

The Department finds no reason to disturb your decision and it is hereby affirmed.

Respectfully,

(signed)

THOS. RYAN,

Acting Secretary.

1 inclosure.

COPY.

M.C.R. 4570

Muskogee, Indian Territory, April 23, 1903.

Billy Durham,

Vaiden, Mississippi.

Dear Madam:

You are hereby notified that on the 10th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Billy Durham, et al., of which decision you were advised by registered mail on the 12th day of December, 1902.

Respectfully,

(SIGNED)

Tama Dixby.
Chairman.

M.C.R. 4570

COPY.

Muskogee, Indian Territory, April 23, 1903.

Mansfield, McMurtry & Cornish,
Attorneys for Cheetaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 10th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Cheetaws of the several persons included in the consolidated case of Emily Durham, et al., of which decision you were advised by mail on the 12th day of December, 1902.

Respectfully,

(SIGNED).

James Bixby.
Chairman.

COPY.

M.C.R. 4870

Muskogee, Indian Territory, April 23, 1903.

S. A. Bandle,
Attorney at Law,
Jackson, Mississippi.

Dear Sir:

You are hereby notified that on the 10th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Emily Durham, et al, of which decision you were advised by registered mail on the 18th day of December, 1902.

Respectfully,

(SIGNED):

James Birby.
Chairman.

COPY

M.C.R. 4570

Muskogee, Indian Territory, April 23, 1903.

A. W. Jones,
Attorney at Law,
Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that on the 10th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Emily Durham, et al., of which decision you were advised by registered mail on the 12th day of December, 1902.

Respectfully,

(SIGNED)

Tame Bixby.
Chairman.

COMMISSIONERS:
TAMM HENRY,
THOMAS K. NEEDLES,
C. B. BRADSHAW,
WM. A. HALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REPORT IN REPLY TO THE FOLLOWING:

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 31, 1905.

received of the Commission to the Five Civilized Tribes copies of
the testimony in the consolidated Mississippi Choctaw case of
Emily Durham, et al., M C R 4570; also one copy of decision in
said case.

Oklahoma Bldg.

Wm. B. Moore

Attorney.

MOR 4570

Muskogee, Indian Territory, July 12, 1906.

Emily Durham,
Muskogee, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 5th instant, requesting to be advised what further steps you should take in the matter of your application for identification as a Mississippi Choctaw.

In reply to your letter you are informed that the Commission to the Five Civilized Tribes on December 12, 1902, refusing your application, was affirmed by the Secretary of the Interior April 10, 1903.

Your case is considered closed, and no further steps can be taken therein at the present time, as the time limit within which motions for rehearings in such cases could be filed expired June 25, 1906.

Respectfully,

Commissioner.

M C R 4570

Muskogee, Indian Territory, August 7, 1906.

Emily Durham,

Muskogee, Indian Territory.

Dear Madam:

Replying to your letter of the 30th ultimo, you are informed it appears from the records of this office that you are a rejected Mississippi Choctaw applicant and not in any manner entitled to participate in the allotment of lands in the Choctaw-Chickasaw country, Indian Territory.

Respectfully,

Acting Commissioner.

Consolidated Case
of

Emily Durham et al

REFER TO M. C. R. 4.57

John Robinson ^{f. b.}
_{dead.}

Mubbee

Henry Jackson $\frac{1}{2}$
(or Henry Robinson) _{dead}

Wife

Fannie Jackson (dead)
(slave)

MCR
4570

Emily Jackson $46-\frac{1}{4}$
married

- ① Frank Ford
- ② Gus Durham

MCR
4571

George W. Jackson $44-\frac{1}{4}$

Wife

- ① ^(or Seltha) Elitha Jackson _(nee Gillings)
- ② Amy Jackson

MCR 4571

③ ^② Elsie Jackson $40-\frac{1}{2}$

④ Parents: { Samuel Hardeman
don't know mother's name.
Claims for wife thro' her father.

Henry Jackson
Emmet Jackson

* John Hardeman
Jenny Hardeman
Harrison Hardeman

2 Bro. + sister of Elsie Jackson

MCR
4576

Everett Ford 18

" Roxy Ford 8

" Emmet Ford 7

" Joseph Ford 5

" Paralee Ford 2

MCR
4577

Sallie Jackson 17

" George " 15

" Henry " 14

" Emily " 11

" Beatrice " 8

" Maggie " 5

* +

" Lake Holmes 14

" David Holmes 13

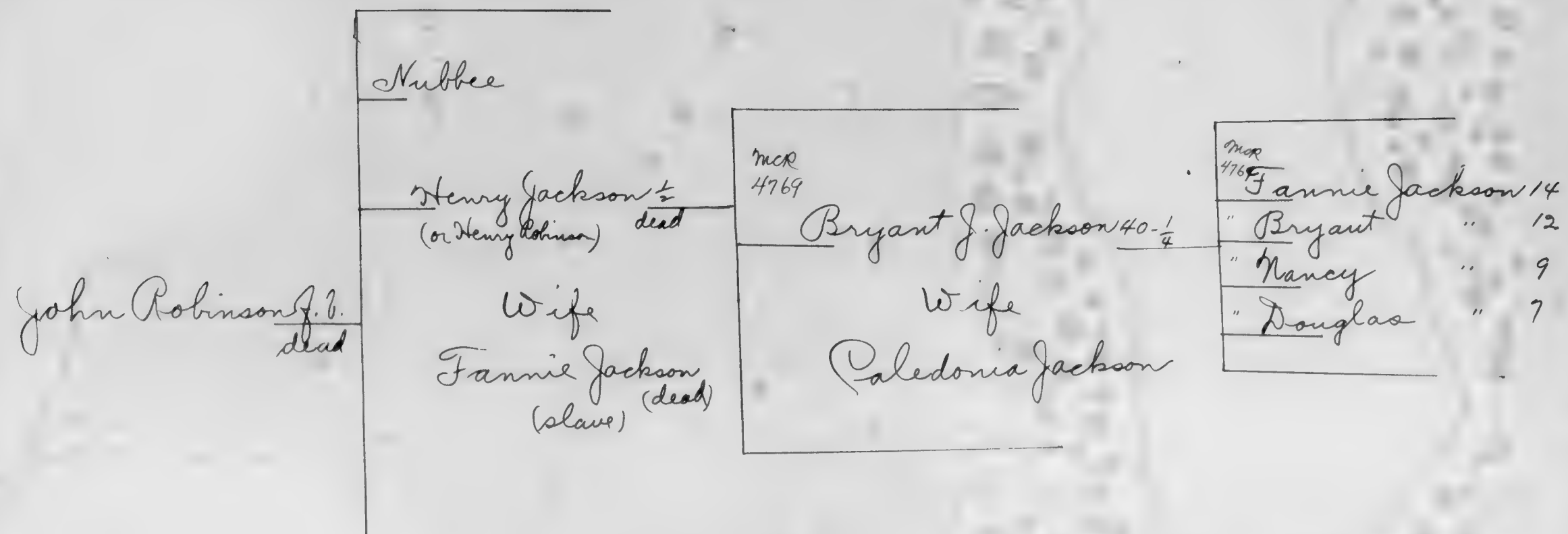
" Lucy Holmes 12

" Fisher Holmes 8

* children of Elsie Jackson
+ Fisher Holmes

↑ Geo. W. Jackson has one child Alex
over age: Elsie has Babe Holmes
who married Alex Jackson (2) Fannie
who married Alex Ford + Richard
over age.

2



#1659

No. 4570

For Identification as a Mississippi Choctaw.

Meridian, Miss.

Date JAN 22 1902

Name *Emily Durham*

Age 46 Blood 1/4

Post Office, *Vaden Miss.*Father: *Henry Jackson* dMother: *Fannie* " d

Claims through *father.*
husband *hus* *Durham* L
 (no claim for him.)
 (Claims for self and 5 minor
 children)

Children:

Everett Ford 18 L
 Father *Frank Ford*
 (no Choctaw blood)

Roxy Durham (F) 8*Emmet* " 7*Joseph* " 5*Paralee* " 2

Father of *Henry Jackson* *John Robinson* f.b.d.
 Mother " " *Meely* d

Stenographer

R. S. Street

Choctaw MCR 4571

George W. Jackson

See MCR 4570

MCR 4571

4571

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, January 22, 1902.

In the matter of the application of George W. Jackson, his wife, Elsie, and six minor children, Sallie, George, Henry, Emily, Beatrice and Maggie, and four minor step-children, Lake, Lucy, Fisher and David, as Mississippi Choctaws. Andrew W. Jones and Samuel A. Beadle, Attorneys for applicant.

George W. Jackson, having been first duly sworn, upon his oath testified as follows:

Examination by the Commission.

- Q What is your name? A George W. Jackson.
Q How old are you? A Born in August 6, 1857.
Q Forty four years old? A Yes, sir.
Q How much Choctaw blood have you? A About a quarter; my father was half.
Q What's your post office address? A Philipp, Mississippi.
Q What county? A Tallahatchie County.
Q How long have you lived in Tallahatchie County? A Lived there three years.
Q Where did you live before that? A I lived in Grenada County.
Q How long did you live there? A About eighteen years.
Q Where did you live before that? A In Carroll County.
Q How long did you live there? A I lived there nearly all my life.
Q Were you born there? A No, sir, I wasn't born there.
Q Where were you born? A I was born in Leake County.
Q Which way is it from here? A I don't know, sir.
Q How do you know you were born there? A I just know what my folks say.
Q Is your father living? A No, sir.
Q What was his name? A Henry Jackson, at least, he went by Henry Jackson; his right name was Henry Robinson.
Q Is your mother living? A No, sir.
Q What was her name? A Fannie.
Q Through which one of her parents did you derive your Choctaw blood? A From my grand father.
Q Through which one of your parents; your mother or your father? A My father.
Q How long has your father been dead? A He has been dead ten or twelve years; longer than that, I reckon.
Q How old was he when he died? A He was sixty some odd years - about sixty years old, I reckon - somewhere near sixty.
Q Was he a slave? A No, sir, I don't reckon he was.
Q Do you know whether he was or not? A No, sir, I do not.
Q Was your mother a slave? A Yes, sir.
Q Were you a slave? A Well, hardly; I wasn't - well, I reckon I was; I don't know; I was young along at that time.
Q Where did your father live during his life time? A In Mississippi.
Q All his life? A Yes, sir; well, I reckon all his life; at that time he didn't travel around.
Q Through which one of his parents did your father get his Choctaw blood? A From his father.

George W. Jackson, et al., 2.

Q What was his father's name? A John Robinson.
Q Did you ever see John Robinson? A No, sir.
Q Where did he live during his life time? A In Mississippi.
Q What part? A In Choctaw
Q Choctaw what? A I don't, know sir.
Q Choctaw County? A Yes, sir, that's where he lived - my father's father.
Q Was he born up there? A I reckon so; I don't know, sir; I never seed him.
Q Did he live in Mississippi all his life? A Yes, sir, I guess he did. That's all all I know about him, he was in Mississippi.
Q You claim he was a full blood Indians, do you? A Yes, sir, he was full blood.
Q How did you get that information? A I go by what my father and people that knew him.
Q Did he have any other name besides John Robinson? A That was his only name - John Robinson.
Q How old a man would he be if he were living now? A I don't know, sir.
Q Did he speak or understand the Choctaw language? A He was a full blood Indian and talked their language in that time, I know.
Q You are just going by what your father said, of course? A Yes, sir.
Q What was your father's mother's name? A Her name was Meely.
Q She had no Choctaw blood? A None as I know of.
Q Are you married? A Yes, sir.
Q Is your wife living? A Yes, sir.
Q What's her name? A Elsie.
Q Has she any Choctaw blood? A Yes, sir.
Q Make any claim for her? A Yes, sir.
Q How much Choctaw blood has she? A She is about half, I guess; she looks about like that gentleman over yonder.
Q How old is she? A She is about forty years.
Q Are you living with her at this time? A Yes, sir.
Q Were you married to her under a license? A Yes, sir.
Q Has she always lived in the State of Mississippi? A Yes, sir.
Q Where has she lived most all of her life, in this State? A The most of her life is - well I have known her about six years; she have lived out here some where out near Webster and Calhoun Counties.
Q Is her father living? A Her father's dead.
Q What was his name? A His name was - I forget his name now - Summers.
Q What other name did he have? A Summers Hardeman.
Q Is your wife's mother living? A No, sir.
Q What was her name? A I don't know, sir, I have heard her say many times.
Q Through which one of her parents did your wife get her Choctaw blood? A By her father.
Q How long has he been dead? A I reckon he has been dead twenty years or more.
Q Where did he live during his life time? A Over here in Choctaw
Q Choctaw County, this State? A Yes, sir, right this side of - in this State; I heard a man say the other day - a white man - that that was right where he always lived.
Q Which was from here in Choctaw County? A Its out - I don't know where I am. I am in Meridian; I live way up yonder; I don't know which way Choctaw County is from here.

George W. Jackson, et al., 3.

- Q You are sure he was born in Choctaw County and always lived there? A Yes, sir, that's what they say.
- Q Did you ever see this man Hardeman? A No, sir, I seen all his children, and they all look like Indians, and they acts like them.
- Q Do you know whether he was a full blood Indian? A I think he was about; he was full blood, I reckon; they called him an Indian; a man the other day told me he had thought he was a full blood.
- Q Did he speak or understand the Choctaw language? A Yes, sir.
- Q How do you know? A That's what a man told me the other day; he knew all about it and asked me about it.
- Q How old would he be if he were living now? A I do not know, sir.
- Q Did he have any other name besides Summers Hardeman? A Not as I know of.
- Q Do you know the name of either one of his parents? A No, sir, I do not.
- Q So far as you know, all of your wife's ancestors have always lived here in Mississippi, have they? A Yes, sir, so far as I know about it. Of course, they might have went out some time on a visit.
- Q Have you any children under age for whom you want to make application? A I have six children and four step children.
- Q Give us the names of your children? A Sallie.
- Q How old? A Seventeen.
- Q Next one? A George.
- Q How old? A Going on sixteen.
- Q Next one? A Henry.
- Q How old? A He is not fourteen.
- Q Next one? A Emily.
- Q How old? A Eleven.
- Q Next one? A Beatrice.
- Q How old? A She is eightyears old.
- Q Next one? A Maggie.
- Q How old is Maggie? A Five.
- Q That's all your children? A Yes, sir.
- Q Are these six children living with you at this time? A Yes, sir.
- Q Are they all the children of yourself and Elsie Jackson? A No, sir, they are not her children.
- Q None of them are? A No, sir.
- Q What's the name of the mother of these children? A Elitha; she is the mother of four of them.
- Q Of the four oldest ones? A Yes, sir.
- Q Is she living? A No, sir.
- Q Did she have any Choctaw blood? A Well, I don't know, sir, whether she did or not.
- Q Were you married to her under a license? A Yes, sir.
- Q Have you that license with you at this time? A No, sir.

It will be necessary for you to furnish the Commission with proper evidence of the marriage of yourself to Elitha, your wife, for use in connection with the application you make in behalf of your four oldest children. The Commission would be glad to have you file such evidence within thirty days from this date, if possible.

- Q Have Beatrice and Maggie the same mother? A Yes, sir.
- Q What's the name of their mother? A Amy.
- Q Did she have any Choctaw blood? A Yes, sir, a little.

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Q How much? A I don't know, sir, but her mother showed up Indian, and she had a bit of her color.
Q Were you married under a license to her? A Yes, sir.
Q Have you that license with you at that time? A No, sir, I can refer to the books.

It will be necessary for you to furnish the Commission with proper evidence of your marriage to your wife Amy for use in connection with the application you make for your two youngest children, Beatrice and Maggie. The Commission would be glad to have you file such evidence within thirty days from this date if possible.

Q What are the names of your step children for whom you want to make application? A Lake.
Q Is that a boy or girl? A That's a girl.
Q How old is Lake? A Lake is about 14 years old.
Q Next one? A David.
Q How old is David? A I reckon about thirteen.
Q Next one? A Lucy.
Q How old is Lucy? A She's about twelve.
Q Next one? A Fisher.
Q How old is Fisher? A He is about eight or nine years old.
Q Now, these children are all living over with you at this time, are they? A Yes, sir.
Q Are they all the children of your wife, Elsie? A Yes, sir.
Q Have they all the same father? A Yes, sir.
Q What's the name of their father? A Fisher Holmes.
Q Any Choctaw blood? A I don't know, sir. I never seen him.
Q This application, then, is for yourself, your wife, six minor children and four minor step children; is that right? A Yes, sir.
Q Is your name your wife's name or the name of either one of these children or step children, to be found upon any of the Choctaw tribal rolls in Indian Territory? A It aint there as I know of.
Q Did you ever make application to the Choctaw tribal authorities in Indian Territory, for yourself, your wife, or any one of your children, or any one of your step-children, to be admitted or enrolled as members of that tribe, or did any one else ever make such an application for you? A Not as I know of. I know I haven't.
Q This is the first application of any kind you ever made? A Yes, sir.
Q Do you appear before the Commission at this time for the purpose of making application - of claiming rights in the Choctaw lands in Indian Territory, for yourself, wife, six minor children, and four minor step-children under article 14 of the treaty of Dancing Rabbit Creek? A Yes, sir.
Q Do you understand the 14th article of the treaty of Dancing Rabbit Creek? A Well, not altogether I don't.

This treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaws lived here in Mississippi and along the western

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edge of the State of Alabama. The object of the treaty was to secure the removal of these Indians from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi a part of which is now occupied by the greater portion of the Choctaw tribe of Indians and is commonly known as the Choctaw Nation, Indian Territory. At the time the treaty was made some of the Indians were unwilling to leave this country, and for the benefit of those who wanted to stay here, what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who preferred to stay here in Mississippi might receive land here in Mississippi from the Government. That 14th article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you think you understand that 14th article now? A Yes, sir, I reckon, in part I do.

This 14th article as I stated to you was put in this treaty for the benefit of those Indians who did not want to leave this country; most of those Choctaws moved out shortly after the treaty was made to the new country. In a case a Choctaw lived here at that time and desired to stay here in Mississippi and become citizen of the States and take land under this 14th article, he was required by the terms of that article to let the agent of the Government here in Mississippi for the Choctaws, within six months after the treaty was ratified, and the treaty was ratified on the 24th day of February, 1831, know that he wanted to stay here and become a citizen of the States and take land, and he was then entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner he was entitled to one-half that quantity for each child

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unmarried which was living with him at the date of the treaty over ten years of age, and a quarter section to such child under ten years of age, to adjoin the location of the parent. These reservations must include the improvement of the parents as it existed on the 27th day of September, 1830; now, if that Choctaw lived on the land so reserved for him for five years from the time the treaty was ratified, that is, five years from February 24, 1831, in that case he was entitled to a grant in fee simple covering the land. If a Choctaw stayed here and took land under this 14th article, by so doing he did not lose the privilege of a Choctaw citizen, but if he ever moved out west of the Mississippi River and joined the tribe, he was not entitled to any portion of the Choctaw annuity. The Choctaw annuity is money paid to the Choctaws each year by the Government under treaty stipulations.

Q Did any of your ancestors, or any of your wife's ancestors, ever comply or attempt to comply with the provisions of this 14th article of the treaty of Dancing Rabbit Creek, or ever receive any benefits thereunder? A Not as I know of.

Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830, when this treaty was made? A If they did, I don't know it. I never heard any of them say.

Q Were any of them recognized members of the Choctaw tribe of Indians here at that time? A Not as I know of.

Q Did any of them remove from the old Choctaw Nation, here in Mississippi and Alabama, to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A I never heard of any.

Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi for the Choctaws know that they wanted to stay here and become citizens of the States and take land? A Not as I know of; I don't know anything about it.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A No, sir. Not as I know of.

Q Or under any other article of that treaty, or under the supplement to that treaty? A No, sir.

Q You never heard of any of them ever having gotten any land here in Mississippi from the Government? A Not any of my folks.

Q Or your wife's folks? A Not either one of them.

Q Did you ever hear of them getting any money - any of them? A No, sir.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this agent failed to register and report to the Government the names of many Indians who did in fact let him know they wanted to stay here and take land, and on this account, the

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Government at its public land sales here in Mississippi, in many instances, sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under article 14 of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress, and Congress passed an Act which was approved on the 3rd day of March, 1837, providing for the appointment of a commission to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. This commission was duly appointed by the President of the United States and the commissioners came down here to Mississippi and heard a few of these Choctaw cases, but in the time allowed them by the Act of Congress under which they were appointed, and a later Act of Congress which was approved on the 22nd day of August, 1838, providing for the continuance of the commission, they were unable to dispose of but a comparatively small number of cases. It, therefore, became necessary for Congress to make further provisions by which the remainder of these Indians might be given hearings, so another Act was passed which was approved on the 23rd day of August, 1842, providing for the appointment of another commission to come down here and finish up the hearing of these cases. This commission was duly appointed by the President of the United States, and the commissioners came down here to Mississippi in the forties and heard a great many of these Choctaw cases.

Q Did any of your ancestors or any of your wife's ancestors, appear before either of these commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek?
A Not as I know of. Never heard of it; never heard any one say.

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government; he should be entitled to select in the place of that land so sold by the Government, land someplace else here in Mississippi or over in Alabama, or over in Arkansas, down in Louisiana, and from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors, or any of your wife's ancestors, ever get any of this scrip from the Government of the United States under this Act of Congress? A Not that I know of.
Q Do you know of any old person living who would likely know whether any of your ancestors or any of your wife's ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits

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thereunder? A No, sir, I do not.

Q Have you any witnesses here to-day? A Yes, sir.

Q How many? A Three.

Q What are their names? A Jim Ingram.

Q Next one? A Eugenia Wilson.

Q Next one? A Montgomery Irve.

Q What do you expect to prove by them? A I expect to prove that I am the descendant of Henry Jackson, and what they heard he said in regards to his rights as a Choctaw Indian.

If you should find any other witnesses whose testimony you desire to have taken before the Commission, they may appear before the Commission here in Meridian, Mississippi, before the 15th of next month, or within a reasonable time thereafter at the General Office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Have you any brothers or sisters living? A Yes, sir.

Q How many brothers? A One brother and one sister.

Q Full brother and full sister? A Yes, sir.

Q What are their names? A Emily Durham and Bryant Jackson.

Q Where do they live? A My brother lives near me, and my sister lives at Vaden; his post office is my post office - my brother's.

Q What county is Vaden in? A Carroll County.

Q Well, have you any brothers or sisters dead? A Two.

Q What were their names? A Henry and Emmett.

Q Did they leave children? A No, sir, they died babies.

Q Has your wife any brothers or sisters living? A Yes, sir.

Q How many brothers? A She has two brothers, to my knowing, and the others - I never met with them; they are away in the northern states.

Q What are the names of your wife's brothers that you know? A John and Harrison Hardeman.

Q Where do they live? A John Hardeman lives at Grenada, Mississippi.

Q Where does the other one live? A I don't know, sir, where he lives.

Q Has your wife any sisters living? A Yes, sir.

Q How many? A One.

Q What's her name? A Tenny.

Q What's the other name? A Tenny Hardeman.

Q Is she married? A No, sir.

Q Where does she live? A She lives at Grenada.

Q Has she any half brothers or half sisters who have Choctaw blood?

A No, sir.

Q Any of your father's brothers or sisters living? A Not as I know of.

Q Have any of these brothers and sisters of yours, or any of your wife's brothers or sisters ever been before the Commission? A No, sir.

Q Any of the descendants of any of your father's brothers or sisters living? A Not as I know of. I don't know whether he ever had a brother or not.

Q Are any of your wife's father's brothers or sisters, or any of

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their descendants living? A I don't know.

Q Were your father and mother lawfully married? A Yes, sir, supposed to be.

Q Have you any evidence that they were? A Only by the witnesses that's here.

Q You have some witnesses on that point have you? A Yes, sir, they know more about it than I do.

Q How much of a family did they raise? A Just only three children.

Q

By S.A. Beadle:

Did your father ever go by the name of Henry Robinson? A Robinson is his correct name, but he went by the name of Jackson; he registered Jackson.

By A.W. Jones:

What you say your name is? A Is George W. Jackson.

Q Was that the name of your father, or the name he went by? A Name he went by.

Q What was your father's name? A Henry Jackson.

Q And you go by the name he went by? A Yes, sir, by the name he registered by.

Q Well, Henry Jackson, then, is his proper name? A No, he said his proper name was Henry Robinson, but he registered Henry Jackson.

Q And that's why you go by Henry Jackson? A Yes, sir, some times I tell the people that.

Q Did you ever hear him say whether that Robinson was a Indian name or not, he had? A Yes, sir.

Q Robinson was a Indian name? A Yes, sir.

Q Well, do you know, or not know, whether your father were recognized by the Indians; do you understand that word? A Yes, sir.

Q Was he recognized? A Yes, sir.

Q How do you know? A By them coming and staying with him, and stayed with him and called him uncle.

Q Who did he call uncle? A Old man Nubby Robinson.

Q Who was Nubby Robinson? A He was a Indian who lived here in Choctaw.

Q Was a full blood Choctaw? A Yes, sir.

Q Well, did he recognize your father as his uncle? A Yes, sir.

Q Well, how do you know? A He knowed it to be him; I was small.

Q About how old were you? A About ten or twelve years old.

Q And you remembered that? A Yes, sir.

Q Have you any witnesses; I think you said to the Commissioner you had some witnesses? A yes, sir.

Q Did you give their names? A Yes, sir.

Q Do these witnesses know your parents? A Yes, sir, I reckon they knows me.

Q I asked you the question, did they know your parents? A Yes, sir.

Q What direction is Choctaw County from where you live? A Well, I will tell you, I don't know just where Choctaw County is, but when I used to live there at Vaden and the Indians come across Big Black from this way --

Q Just tell to the stenographer there what direction Big Black was from Vaden - what direction? A It was down sorter in this direction.

Q Now wait! was it east? A East.

Q They were coming east? A They come from east, and Vaden is west of Big Black. Yes, sir.

Q Where is Big Black

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Q Where is Big Black? A Away up here.
Q Is that in Choctaw County? A I don't know that.
Q How near that? A I don't know; I never was there.
Q Then you don't know where Choctaw County is? A No, sir.

By Commission:

Have you any children of age living? A Yes, sir.
Q How many? A One boy.
Q What's his name? A Alex.
Q Was your wife any children of age? A Yes, sir.
Q How many? A Three, I reckon; they pass of age.
Q What are their names? A Well, they are married.
Q I asked you what their names are? A Her oldest daughter is named-
we all call her Babe; I can't remember the names; you know I just
call them along Babe.
Q What's her husband's name? A Alex.
Q Alex what? A Julia is his wife's name.
Q What's his other name? A Alex Jackson.
Q What's the name of the next child of your wife? A Fannie.
Q Is she married? A Yes, sir.
Q What's her husband's name? A Alex Word.
Q What's the next one? A Richard.
Q That's all is it? A Yes, sir.

By A. W. Jones:

Do you understand any Choctaw? A Yes, sir, I know the word for
tobacco and none.

(Official Interpreter, Oscar Billey, is here called and
states that the applicant understands two Choctaw words,
being those for tobacco and none.)

(This applicant has the appearance of being a negro, and
shows no indication of being possessed of Indian blood.
He does not speak or understand the Choctaw language.)

R. S. Streit, having been first duly sworn, upon his oath
states that as stenographer to the Commission to the Five Civilized
Tribes, he reported in full all proceedings had in the above entitled
cause on the 22nd day of January 1902, and that the above and
foregoing is a full, true and correct translation of his stenographic
notes of said proceedings in said cause upon said date.

Subscribed and sworn to before me at Meridian, Mississippi,
this 28th day of January, 1902.

L. B. Mosley
Clerk U. S. Circuit Court,
Southern District of Mississippi.

By *[Signature]* Deputy.

4571

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, January 23rd, 1902.

Additional testimony in the matter of the application of
George Jackson et al for identification as Mississippi Choctaws.

Jim Ingram, being first duly sworn, testified as follows:-

APPEARANCES: S.A. Beadle, attorney for applicants
Andrew W. Jones, agent " "

By the Commission:

Mr. Jones, state what you want to prove by this witness.

Mr. Jones:

I want to prove that he knew the father of George Jackson
and that George Jackson and his father were recognized by
the Indian Tribe, the Choctaw Tribe.

Examination by the Commission.

- Q What is your name? A Jim Ingram.
Q How old are you? A About sixty years old.
Q What is your postoffice address? A Philipp, Mississippi.
Q What County? A Tallahatchie County.
Q How long have you lived in Tallahatchie County, Mississippi?
A About twelve or thirteen years.
Q Where did you live before that? A Vaden.
Q How long did you live in Carroll County? A About twenty years,
I reckon.
Q Where did you live before that? A I come from North Carolina.
Q Were you born in North Carolina? A Yes sir.
Q Were you a slave? A Yes sir.
Q Are you acquainted with the applicant George Jackson? A Yes sir.
Q Are you acquainted with the applicant Bryant Jackson? A Yes sir.
Q Are you acquainted with the applicant Emily Durham? A Yes sir.
Q How long have you known these applicants? A About twenty years
I reckon.
Q Are they any relation to one another? A Brothers and sisters.
Q Have they lived here in Mississippi ever since you first met them?
A Yes sir.
Q Do you know the name of their father? A Yes sir.
Q Of their mother? A Yes sir.
Q What are their names? A Henry Jackson and Fannie.
Q Through which one of their parents did they derive their Indian
blood? A Through their father Henry Jackson.
Q How long has he been dead? A About twelve years.
Q About how old a man was he when he died? A About sixty years
old.
Q Did he have any Indian blood? A I reckon he did, because I
expose his daddy did.
Q Did you know his father? A Yes sir and his father's brother.
Q When did his father die? A I don't know, sir.
Q About how long ago was it before the surrender? A I think he
died after the surrender.
Q About how long after the surrender? A I don't know.

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Q I want you to give me some idea of when the father of Henry Jackson died? A I couldn't exactly say.
Q When did you first meet Henry Jackson's father? A I think it was in 1858.
Q What was his name? A John Robinson.
Q Where did you meet him? A At old Shongalo, before the old town of Vaden was built.
Q Did John Robinson have any Choctaw blood? A He was considered a Choctaw.
Q How much Choctaw blood did he have? A I reckon he was full Indian.
Q Did he speak or understand the Choctaw language? A He must have.
Q Did Henry Jackson speak or understand the Choctaw language? A He and his folks talked some. I couldn't understand them.
Q How old would John Robinson be if he were living now? A I reckon he would be a hundred.
Q Did he or any of his ancestors ever comply or attempt to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever receive any benefits thereunder? A I couldn't tell you about that.
Q You don't know anything about that? A No sir.

By Mr. Jones:

Q You say that you knew his uncle--what was his name? A Nubbee.
Q Was he an Indian? A Yes sir.
Q A full blood Indian? A Yes sir.
Q Was he an uncle of George Jackson? A Yes sir, he claimed to be his uncle and old man Henry's uncle.
Q Also of Bryan Jackson? A Yes sir.

By Mr. Beadle:

Q Did old man Nubbee stay with the Indians? A Yes sir.
Q Where did he come from? A From Neshoba County.
Q Did they come in crowds? A Yes sir.
Q Did he camp with the Indians when they came there in crowds?
A Yes sir.
Q When they came to Jackson's house, did they camp at his house?
A Yes sir.
Q Was he a Chief among them at that time? A Yes sir.

By the Commission:

Q Are you any kin to any of these people you have been testifying about? A No sir.
Q Are you interested in any way in the result of their applications?
A No sir.

This witness is a negro of average intelligence.

(Witness excused)

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Eugenia Wilson, witness for the applicants, being first duly sworn, testified as follows:-

Examination by the Commission.

Q What is your name? A Eugenia Wilson.
Q How old are you? A Fifty years old.
Q What is your postoffice address? A Philipp, Mississippi.
Q What County is that in? A Tallahatchie.
Q Are you acquainted with the applicants George Jackson, Bryant Jackson and Emily Durham? A Yes sir.
Q How long have you known them? A I have known them from the time I was a child.
Q Are you related in any way to them? A No sir.
Q Are you interested in any way in the result of their applications? A No sir.

By Mr. Jones:

We expect to prove by this witness the same as we proved by Jim Ingram.

Examination by the Commission.

Q Have these applicants any Choctaw blood? A Yes sir, I reckon so by their father and uncle Robinson said so.
Q Do you know how much Choctaw blood they had? A No sir.
Q How much did the father of these applicants have? A His father was Uncle Nubbee's brother and Henry Jackson was a full blood Indian.
Q Henry Jackson is the father of these applicants? A Yes.
Q What was the name of Henry Jackson's father? A John Robinson.
Q You never saw him, did you? A No sir.
Q And know nothing whatever about him? A No sir.
Q Were you acquainted with Henry Jackson? A Yes sir.
Q How old do you think Henry would be if he were living now? A I think he would be about seventy-five years old.
Q Did he always live here in Mississippi? A No sir.
Q Where did he live? A He come from Soba County.
Q Is that in this State? A Shoba County.
Q Is that in this State? A I reckon so.
Q Is that Neshoba County? A Yes, that is what the Indians call it.
Q That is in this State, isn't it? A I reckon so. They would always come from east of Vaden.
Q That is where Henry Jackson came from? A Yes sir.
Q Do you know whether Henry Jackson was a slave or not? A No sir, I don't think he was. I heard him say he wasn't. I think they said his mother was.
Q Do you know whether Henry Jackson or any of his ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir, not as I know of.

Examination by Mr. Jones:

Q You say that you was well acquainted with George Jackson's father?
A Yes sir.

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Q And have seen him often? A Yes sir and lived with him.
Q Did you see any Indians around there? A Yes sir.
Q Did they claim to be related to him? A Uncle Nubbee and his family was there.
Q Who was Uncle Nubbee? A Nubbee Robinson.
Q Was he an Indian? A Yes sir.
Q And he claimed to be related to George Jackson's father? A Yes sir.

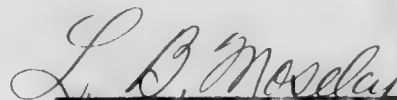
(Witness excused)


This witness is a negro of average intelligence.

Ira S. Niles, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, January 23rd, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.



Subscribed and sworn to before me this the 29th day of January, 1902, at Meridian, Mississippi.


Clerk U.S. Circuit Court, Southern
District of Mississippi.

By  Deputy.

Miss. Choctaw 24571

Muskogee, Indian Territory, June 27, 1902.

Andrew W. Jackson,

Muskogee, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of June 25, inclosing a letter from Roane & Roane of Grenada, Mississippi, and certified copy of marriage certificate between G. W. Jackson and Amy C. E. Williams, offered in support of the application for identification as Mississippi Choctaws of George W. Jackson, et al. The same has been filed with the record in this case.

In accordance with your request the letter of Roane & Roane is returned you herewith.

Yours truly,

Commissioner in Charge.

AS 207

M.C.R. 4571

Muskogee, Indian Territory, December 12, 1902.

George W. Jackson,
Philipp, Mississippi.

Dear Sir:

You are hereby advised that on the 12th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Emily Durham, et al., embracing the following applications for identification as Mississippi Choctaws:

Emily Durham, et al.,	M.C.R. 4570
George W. Jackson et al.,	M.C.R. 4571
Bryant J. Jackson, et al.,	M.C.P. 4569

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Emily Durham, Everett Ford, Roxey Durham, Emmet Durham, Joseph Durham, Paralee Durham, George W. Jackson, Elsie Jackson, Sallie Jackson, George Jackson, Henry Jackson, Emily Jackson, Beatrice Jackson, Maggie Jackson, Lake Holmes, David Holmes, Lucy Holmes, Fisher Holmes, Bryant J. Jackson, Fannie Jackson, Bryant Jackson, Nancy Jackson, and Douglas Jackson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of

-2-

the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Sam. Dwyer

Acting Chairman.

Registered.

COPY.

M.C.R. 4871.

Muskogee, Indian Territory, April 23, 1903.

George W. Jackson,

Philipp, Mississippi.

Dear Sir:

You are hereby notified that on the 10th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Emily Durham, et al., of which decision you were advised by registered mail on the 12th day of December, 1902.

Respectfully,

(SIC 1-9).

Tame Dixby.

Chairman.

For Identification as a Mississippi Choctaw.

Meridian, Miss.

Date JAN 22 1902

Name George W. Jackson

Age 44 Blood 1/4

Post Office, Philipp, Miss

Father: Henry Jackson d

Mother: Fannie " d

Claims through father

Wife Elsie Jackson 1840 d

Father - Hammer Starman d

Mother don't know d

(Wife claims through father)

(Claims for self, wife, 6 minor children and 4 minor children.)

Children:	Jackson		17
George	"		15
Henry	"		14
Emily	"		11
Beatrice	"		8
Maggie	"		5
David	Holmes	- F	14
Lucy	"	(M)	13
Fisher	"		12
			8

Father of Henry Jackson - John Robinson d
Mother " Meely " d

Stenographer

R. A. Street.

(over)

Mother of Sallie, George
Henry & Emily-Elitha,
no Choctaw blood.

Mother of Beatrice Maggie-
Emily - no Choctaw
blood.

Father of Luke, David
Lucy & Fisher =
Fisher ~~Holmes~~
Holmes. No Choctaw
blood.

Choctaw MCR 4572

Essie Carter

See MCR 2337

MCR 4572

4572

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, January 23rd, 1902.

In the matter of the application of Essie Carter for the
identification of herself as a Mississippi Choctaw.

Said Essie Carter, being first duly sworn, testified as fol-
lows:-

Examination by the Commission.

- Q What is your name? A Essie Carter.
Q How old are you? A Twenty-two.
Q How much Choctaw blood do you claim? A One thirty-second.
Q What is your postoffice address? A Seminary, Mississippi.
Q What County? A Covington.
Q How long have you lived in Covington County, Mississippi? A Been
living there a short while.
Q About how long? A About a month.
Q Where did you live before that? A Columbia, Mississippi.
Q What County is that in? A I don't know.
Q How long did you live at Columbia? A Six months.
Q Where did you live before that? A Purvis, Mississippi.
Q How long did you live there? A Two years.
Q Where did you live before that? A Slidell, Mississippi.
Q How long did you live there? A Five years.
Q Where did you live before that? A Poplarville, Mississippi.
Q How long did you live there? A Two years.
Q Where did you live before that? A Pearlinton, Mississippi.
Q Have you lived in this State all your life? A Yes.
Q Where were you born? A Waynesboro, Wayne County, Mississippi.
Q Is your father living? A Yes sir.
Q What is his name? A James Denham.
Q Is your mother living? A Yes sir.
Q What is her name? A Mrs. Eliza J. Denham.
Q Through which one of your parents do you derive your Choctaw
blood? A My mother.
Q Where does your mother live? A Seminary, Mississippi.
Q She has been before the Commission this year, has she? A Yes.
Q About how old is she? A About fifty two.
Q Through which one of her parents did she get her Choctaw blood?
A Her father.
Q What was his name? A Jim Griffin.
Q What was his middle name? A I don't know.
Q Did you ever see Jim Griffin? A Yes sir.
Q Is he living now? A No sir, he is dead.
Q How long has he been dead? A About five years.
Q Where did he live during his life time? A He lived at Mobile.
Q Did he live there all his life? A Close to Mobile all his life.
Q How old do you think he would be if he were living now? A I
don't know exactly-about seventy-five.
Q Through which one of his parents did he get his Choctaw blood?
A His mother.
Q What was her name? A Harriet Griffin.
Q What was her maiden name? A I don't know that.
Q Did you ever see her? A No sir.
Q You know nothing about her or where she lived, then? A No sir.

Essie Carter--2

Q Does your mother or her father, either of them, speak the Choctaw language? A No sir.

Q Has your mother ever been recognized in any manner or enrolled as a member of the Choctaw Tribe of Indians? A Yes.

Q When? A A long time.

Q Do you understand what that means-recognized or enrolled-I mean admitted to citizenship in the Choctaw Nation or had her name placed on the rolls? A No, I don't think she has.

Q She never was in Indian Territory, was she? A No.

Q Did any of your ancestors ever live there? A Not as I know of.

Q Are you married? A Yes sir.

Q Is your husband living? A Yes sir.

Q What is his name? A Charlie Carter.

Q Has he any Choctaw blood? A No sir.

Q You make no claim for him, then? A No sir.

Q Have you any children living? A No sir.

Q This application, then, is for yourself only, is it? A Yes sir.

Q Is your name on any of the Choctaw Tribal rolls in Indian Territory? A I don't think it is.

Q Did you ever make application to the Choctaw Tribal authorities in Indian Territory to be admitted or enrolled as a member of that Tribe or did anyone else ever make such an application for you? A Not as I know of.

Q Have you ever made any application of any description before today? A No sir.

Q Has anyone else ever made any application of any kind for you? A No.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.

Q Do you understand article 14 of the treaty of Dancing Rabbit Creek? A No.

This treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw Tribe of Indians. At the time this treaty was made the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of this treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River a part of which is now occupied by the greater portion of the Choctaw Tribe of Indians and is commonly known as the Choctaw Nation Indian Territory. At the time the treaty was made some of the Indians were unwilling to leave this country and for the benefit of those who preferred to stay here what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who preferred to stay here in Mississippi might receive land here in Mississippi from the Government. It is as follows:-

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be

Essie Carter---3

bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they live upon said land, intending to become citizens of the States, for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservations shall include the present improvement of the head of the family or a portion of it. Persons claiming under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you think you understand that 14th article? A Yes.

Q Did any of your ancestors ever comply or attempt to comply with the provisions of that 14th article or ever receive any benefits under that article? A Not that I know of.

Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A I don't know.

Q Were any of them living here at that time? A I don't know.

Q Were any of them recognized members of the Choctaw Tribe of Indians here at that time? A I don't know whether they were or not.

Q Did any of them remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A Not that I know of.

Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here in Mississippi and become citizens of the States and take land? A Yes, I think they did.

Q What one of your ancestors did that? A They all came up here then.

Q I am talking about a time 71 years ago? A I don't know anything about that.

Q Did any of your ancestors ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the Treaty of Dancing Rabbit Creek? A I don't know.

Q Did any of them ever claim or receive any land here in Mississippi from the Government under any article of that treaty or under the supplement to that treaty? A I don't know.

Q Did any of them ever get any money from the Government? A I don't think they did.

Q Were any of your ancestors ever recognized members of the Choctaw Tribe of Indians? A I don't know whether they were or not.

Q Did any of them ever live in Indian Territory? A Not as I know of.

Q Did any of them ever receive any benefits whatever as Choctaw Indians? A No.

In accordance with the provisions of article 14 of the

Essie Carter---4

treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this Agent failed to register and report to the Government the names of many Choctaws who did in fact let him know that they wanted to stay here and become citizens of the States and on this account the Government, at its public land sales here in Mississippi, in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under article 14 of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed an act which was approved on the 3rd day of March, 1837, providing for the appointment of a Commission to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. This Commission was duly appointed by the President of the United States and the Commissioners came down here to Mississippi and heard a few of these Choctaw cases but in the time allowed them by the act of Congress under which they were appointed and a later act of Congress approved the 22nd day of February, 1838, providing for the continuance of this Commission, they were unable to hear but a comparatively small number of these cases. It therefore became necessary in Congress to make further provision whereby the remainder of these Indians might be given hearings, so another act was passed which was approved on the 23rd day of August, 1842, providing for the appointment of another Commission to come down here to Mississippi and finish up this work. This Commission was duly appointed by the President of the United States and the Commissioners came down here to Mississippi in the forties and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before either of these Commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A I don't know about that.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to select in lieu thereof land elsewhere in Mississippi, or in Alabama, Louisiana or ~~Ark~~ Arkansas, from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this act of Congress? A I don't know.

Essie Carter---5

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No, I do not.
Q Have you any witnesses here today? A No sir.

If you should find any witnesses whose testimony you desire to have taken in support of your application, they may appear before us here at Meridian between now and the 15th of next month or within a reasonable time thereafter at the general office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

By the witness:

I want the evidence in the cases of all applicants who are descendants of Harriet Griffin, deceased, considered in my application.

Q Have you any brothers living? A Two.
Q What are their names? A Lun and Chester Denham.
Q Have you any sisters living? A Yes sir.
Q How many? A Six.
Q What are their names? A Emma.
Q Is she married? A Yes.
Q What is her husband's name? A Ed Brittin.
Q Next one? A Sallie Jacobs, Belle Whitlock, Lizzie Rindt, Eva Jones, and Maud Denham.
Q Who of these have not been before the Commission? A My sister Lizzie.
Q Just one? A Yes sir.
Q Have you any brothers or sisters dead? A I have one brother dead.
Q Did he die in infancy? A Yes sir.
Q Has your mother any brothers living? A No sir.
Q Has she any sisters living? A Yes.
Q How many? A I declare I don't know. About seven, I think.
Q Give us the names of those you remember? A Harriet.
Q What is her other name? A I don't know her other name-I don't know any of them.
Q You don't remember the names of any of your mother's sisters?
A No sir, I never saw any of them.
Q You don't speak or understand the Choctaw language, do you?
A No.
Q Are there any further statements you want to make in support of your application? A No sir.

This applicant has the appearance of being a white woman- shows no indications of being possessed of Indian blood. She does not speak or understand the Choctaw language.

Ira S. Hiles, being first duly sworn, states that as stenographer

Essie Carter---6

to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, January 23rd, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

L. B. Mosley

Subscribed and sworn to before me this the 29th day of January, 1902,
at Meridian, Mississippi.

L. B. Mosley
Clerk U.S. Circuit Court, Southern
District of Mississippi.

By *[Signature]* Deputy.

COMMISSIONERS.
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M. C. R. 2337
M.C.R. 4572

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, July 26, 1902.

Essie Carter,

Seminary, Mississippi.

You are hereby advised that on the 26th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Thomas B. Griffin, et al., embracing the following applications for identification as Mississippi Choctaws:

Thomas B. Griffin,	M. C. R. 2337
Nancy Bucklow (Buckalew)	" 3043
John C. Griffin, et al.,	" 3044
George S. Griffin, et al.,	" 3045
Harriet C. Grimes, et al.,	" 3046
Lucy Rollings, et al.,	" 3047
Florence Gray,	" 3048
May Taylor, et al.,	" 3049
Nancy J. Gray,	" 3050
Margaret Williams,	" 3051
James B. Griffin, et al.,	" 3120
Lucy H. Allen, et al.,	" 3121
Allen G. Buckalew, et al.,	" 3122
Mary Blakely, et al.,	" 3123
James W. Griffin, et al.,	" 3225
Harriet Bearfield, et al.,	" 3146
Rosier D. Griffin, et al.,	" 3174
Bessie Riley, et al.,	" 3175
Edna Griffin,	" 3189
Ransom B. Buckalew, et al.,	" 3226
Margaret Emma Boney, et al.,	" 3229
Willery H. Jackson,	" 3262
Edward T. Davis, et al.,	" 3263
Charles M. Davis, et al.,	" 3264
Rosier S. Gavin, et al.,	" 3265

Charles R. Gavin, et al.,	M. C. R.	3266
George E. Gavin,	"	3267
David L. Gavin,	"	3268
Lucy Dedwylder,	"	3269
Charles A. Davis,	"	3281
Rosier S. Davis,	"	3282
Edward B. Davis,	"	3283
Evan M. Gavin, et al.,	"	3314
Lillie Jackson, et al.,	"	3320
Sam W. Griffin,	"	3321
Ada Powers, et al.,	"	3322
Fannie Bowles,	"	3323
Lucy J. Slay, et al.,	"	3324
Harriet I. Carmichael, et al.,	"	3325
Mary M. Dunnam, et al.,	"	3333
Deborah Ann McLendon, et al.,	"	3334
John E. McLendon,	"	3335
Rosier A. McLendon,	"	3336
Norman Gunn,	"	3345
Henry S. Gunn, Jr., et al.,	"	3346
Harriet Dedwylder, et al.,	"	3347
Lucy J. Boykin, et al.,	"	3412
Sallie Davis,	"	3413
John C. Nickels, et al.,	"	3432
Maggie Thornhill, et al.,	"	3434
James C. Denham, et al.,	"	3457
Eva Jopes, et al.,	"	3458
Eliza J. Denham, et al.,	"	3459
James W. Raley, et al.,	"	3460
Emma Britton, et al.,	"	3464
Sallie Jacobs, et al.,	"	3477
John F. Gunn, et al.,	"	3558
Margaret D. Gunn,	"	3559
Alice Gunn,	"	3560
George W. Gunn,	"	3563
James J. Gunn,	"	3564
Harriet Loper, et al.,	"	3566
Alice Loper,	"	3567
Alexander Gunn, et al.,	"	3568
Mattie M. Gunn,	"	3569
Mary E. Gunn,	"	3570
William A. Gunn, et al.,	"	3603
George F. Griffin,	"	3604
Pauline Klopner, et al.,	"	3673
Alice Dunmire, et al.,	"	3674
Minnie McConkey,	"	3675
Adelbert G. Gunn, et al.,	"	3962
Robert Gunn,	"	4249
Belle Whitlock,	"	4566
Essie Carter,	"	4572

These applications were made under the provisions of the act of Congress of June 28, 1898, (30 Stats., 495,) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence in this case is insufficient to determine the identity of Thomas B. Griffin, Nancy Bucklow (Buckalew), John C. Griffin, Vivian E. Griffin, George S. Griffin, Lonnie Griffin, Arthur Griffin, Ada Griffin, Billie Griffin, Norman Griffin, Harriet C. Grimes, Lucy Grimes, Nancy J. Grimes, Lucy Rollings, Sam Rollings, Nommar Rollings, Edward Rollings, Katie Rollings, Nannie Rollings, Tom Rollings, Sallie B. Rollings, Mellie Rollings, Mollie Rollings, Florence Gray, May Taylor, Roy Taylor, Nancy J. Gray, Margaret Williams, James B. Griffin, Emma E. Griffin, Oessie Griffin, Maggie Griffin, Jake Griffin, Lottie Griffin, Eastman Griffin, Lucy H. Allen, James M. Allen, Lela R. Allen, Ira E. Allen, Allen G. Buckalew, Abbie Janet Buckalew, John Allen Buckalew, Joseph Griffin Buckalew, Bonnie McCoy Buckalew, Prince Albert Buckalew, Connie Lee Buckalew, Oscar Buckalew, Arthur Buckalew, Mary Blakely, Mary Edna Blakely, James W. Griffin, Lillia Griffin, Eddie Griffin, Edna Griffin, John Wilson Griffin, James C. Griffin, Susie L. Griffin, Harriet Bearfield, Lutha Bearfield, Andrew Bearfield, Albert Bearfield, Sudie Bearfield, Allen T. Bearfield, Vivy L. Bearfield, John Bearfield, Charley Bearfield, Eva Bearfield, Grady Bearfield, Rosier D. Griffin, Fletcher Griffin, Zilla Griffin, Henry Griffin, Timmie Griffin, Rella Griffin, Siddie Griffin, Glender Griffin, Hattie Griffin, John Thomas Griffin, Bessie Riley, Eva Riley, Ruby Riley, Hardie Riley, Edna Griffin, Ransom B. Buckalew, Abbie Buckalew, Jettie Buckalew, Maud Buckalew, Alman Buckalew, Claud Buckalew, Margaret Emma Boney, Eva Boney, Rufus Boney, Clarence Boney, Wilmer Boney, Willery H. Jackson, Edward T. Davis, Lucy Davis, William L. Davis, Annie Davis, Charles M. Davis, Rosier Davis, Alice Davis, Charlie Davis, Bessie Davis, Sadie Davis, Rosier S. Gavin, Withers Gavin, Charles R. Gavin, Clinton Gavin, Rex Gavin, George E. Gavin, David L. Gavin, Lucy Dedwylder, Charles A. Davis, Rosier S. Davis, Edward B. Davis, Evan M. Gavin, Janie Gavin, Lillie Jackson, Eddie Jane Jackson, Roy Calloway Jackson, Ada Amelia Jackson, Sam W. Griffin, Ada Powers, David N. Powers, Ada A. Powers, Fannie Bowles, Lucy J. Slay, John L. Slay, Agnes L. Slay, Deborah L. Slay, Belle L. Slay, Lucy L. Slay, Frank L. Slay, Bolway L. Slay, Mary L. Slay, Grady L. Slay, Harriet I. Carmichael, Allen Carmichael, Dugald Carmichael, Walter M. Carmichael, John J. Carmichael, Mary N. Dunnam, Edward Dunnam, Allen F. Dunnam, Siddie Dunnam, James R. Dunnam, Collin W. Dunnam, Deborah Ann McLendon, Annie F. McLendon, Charles Kennet McLendon, Allen F. McLendon, Jr., Luella Kate McLendon, John E. McLendon, Rosier A. McLendon, Norman Gunn, Henry S. Gunn, Jr., Harry S. Gunn, Jessie P. Gunn, Harriet Dedwylder, Rosier Davis Dedwylder, Bryant M. Dedwylder, Edward Jefferson Dedwylder, Lucy L. Boykin, Verginia E. Boykin, Amanda A. Boykin, Sallie Davis, John C. Nickels, Harriet A. Nickels, Ida L. Nickels, Joseph A. Nickels, Robert L. Nickels, Maggie Thornhill, Frank Thornhill, Carlie Thornhill, Onie Thornhill, James C. Denham, Fred Tracy Denham, Eva Jopes, Hugh Jopes, Eliza J. Denham, Chester E. Denham, Maud E. Denham, James W. Raley, Willie Rufus Raley, Ira Bonnie Raley, Mary Fletcher Raley, Edward Ernest Raley, Eula B. Raley, Anna Mack Raley, Emma Britton, Rubie M. Britton, Rosa D. Britton, Lottie M. Britton, Winnie E. Britton, Albert B. Britton, Eugene Russell Britton, Annie M. Britton,

Sallie Jacobs, Clyde O. Jacobs, John F. Gunn, Ethel Gunn, Grady Gunn, Ocllo Gunn, Miriam Gunn, Margaret D. Gunn, Alice Gunn, George W. Gunn, James J. Gunn, Harriett E. Loper, Hattie Loper, Gideon Loper, Alice Loper, Alexander Gunn, John H. Gunn, Alexander Gunn, Jr., Ada G. Gunn, Norman L. Gunn, Ida Gunn, Ruby Gunn, Ruth Gunn, Mattie M. Gunn, Mary E. Gunn, William A. Gunn, William A. Gunn, Jr., Susan E. T. Gunn, Jr., Priddie B. Gunn, James E. Gunn, Elizabeth A. Gunn, Margaret D. Gunn, Norman Gunn, James W. Gunn, George E. Griffin, Pauline Klopner, Paul L. Klopner, Alice Dunmire, Susie Dunmire, Minnie Conkey, Adelbert G. Gunn, Ernest S. Gunn, Robert Gunn, Belle Whitlock, and Essie Carter as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

T. F. N. [illegible]

Registered.

M C R 4572

Muskogee, Indian Territory, December 5, 1902.

Essie Carter,

Seminary, Mississippi.

Dear Madam:

You are hereby notified that on the 21st day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Thomas B. Griffin, et al., of which decision you were advised by registered mail on the 26th day of July, 1902.

Respectfully,

Acting Chairman.

266

No. 4572

For Identification as a Mississippi Choctaw
Meridian, Miss.

Date

JAN 23 1902

Name

Essie Carter

Age

22

Blood

1/32

Post Office,

Seminary, Miss.

Father:

James Denham

Mother:

Elyza J. "

Claims through

mother

husband

Charley Carter

(No claim for him.)

(Claims for self only)

Children:

Father of Elyza = James Griffin.
Mother " James Griffin = Harriet Griffin

Choctaw MCR 4573

Ben Finley

See MCR 4574

MCR 4573

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Ben Finley, et
al., for identification as Mississip-
pi Choctaws,

consolidating the applications of

Ben Finley, M.C.R. 4573;
Christopher C. Finley, et al., M.C.R. 4574.

List of papers
forwarded to the Secretary of the Interior, with the record in the
above case, together with the page occupied by each
in said record.

	page
Original application of Ben Finley to the Dawes Commission for identification as a Mississippi Choctaw,	1
Original application of Christopher C. Finley, et al., to the Dawes Commission for identification as Mississippi Choctaws,	7
Certificate of marriage of G.C. Finley and Miss Cora A. Fowler,	14
Decision,	15

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, January 23rd, 1902.

In the matter of the application of Ben Finley for identification as a Mississippi Choctaw.

Said Ben Finley, being first duly sworn, testified as follows:-

APPEARANCES: S.A. Beadle, attorney for applicant,
A.W. Jones, Agent

Examination by the Commission.

Q What is your name? A Ben Finley.
Q What is your age? A Forty-five.
Q How much Choctaw blood do you claim to have? A About a quarter, I reckon.
Q What is your postoffice address? A Yazoo City.
Q How long have you lived at Yazoo City? A I went down there in 1875.
Q Were you a slave? A Yes sir.
Q Is your father living? A No sir.
Q Where were you born? A Rankin County.
Q Have you lived in this State all your life? A Yes sir.
Q What was your father's name? A Baltimore Finley.
Q Is your mother living? A No sir.
Q What was her name? A Mary Finley.
Q Through which one of your parents do you derive your Choctaw blood? A My mother.
Q Your mother, then, according to your testimony, was a half blood Choctaw? A Yes sir.
Q Was she a slave? A Yes sir.
Q How long has your mother been dead? A Eight years.
Q Where did she live during her life time? A At Yazoo City.
Q Did she live in this State all her life? A Yes sir.
Q About how old was she when she died? A About sixty years old when she died.
Q Through which one of her parents did she get her Choctaw blood? A From her father.
Q What was his name? A Jack Jones.
Q How long has Jack Jones been dead? A About thirty years.
Q Was he a slave? A No sir.
Q How much Indian blood did he have? A He was a whole Indian.
Q Do you remember him? A Yes sir.
Q Where did he live during his life time? A He was living in Rankin County, this State.
Q Do you know where he was born? A No sir, I do not.
Q He lived here all his life, did he? A Yes sir.
Q How old was he when he died? A I don't know, sir.
Q About how old was he? A Well he looked to be about fifty or sixty years old.
Q Did he have any other name besides Jack Jones? A Not as I knew of.
Q Did he speak or understand the Choctaw language? A He could talk it but I couldn't talk it.
Q Did your mother speak or understand the Choctaw language? A Yes sir, she could speak it right smart too.

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Q What was the name of your mother's mother? A I don't know, sir.
Q You never saw her? A No sir.
Q How do you know that Jack Jones was your mother's father? A I heard her say so.
Q Do you know whether he and your mother's mother were married? A I couldn't tell you.
Q You don't know anything about that? A No sir.
Q Did they have any other children? A No sir.
Q Do you know the name of either one of Jack Jones' parents? A No sir.
Q So far as you know, all of your Choctaw ancestors have always lived here in Mississippi, have they? A Yes sir.
Q None of them ever lived in Indian Territory? A No sir, not to my knowledge.
Q Are you married? A No sir.
Q Have you any children living? A No sir.
Q You claim for yourself only, then? A Yes sir.
Q Is your name on any of the Choctaw Tribal rolls in Indian Territory? A Not as I know of.
Q Did you ever make application to the Choctaw Tribal authorities in Indian Territory to be admitted or enrolled as a member of that Tribe? A No sir.
Q Have you ever made any application of any description before today? A No sir, never have.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under article 14 of the Treaty of Dancing Rabbit Creek? A Yes sir.
Q Do you understand article 14 of the treaty of Dancing Rabbit Creek? A No sir.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw Tribe of Indians. At the time this treaty was made the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of this treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, part of which is now occupied by the greater portion of the Choctaw Tribe of Indians and is commonly known as the Choctaw Nation Indian Territory. At the time this treaty was made some of the Indians were unwilling to leave this country and for the benefit of those who wanted to stay here what is known as the 14th article was put in the treaty. This 14th article provided that upon certain conditions a Choctaw who preferred to stay here in Mississippi might do so and might receive land here in Mississippi from the Government. It is as follows:-

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one

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section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons claiming under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you understand that 14th article now? A Yes sir.

Q Did any of your ancestors ever comply or attempt to comply with the provisions of this 14th article or ever receive any benefits under that article? A No sir.

Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A Not to my knowledge.

Q Were any of them recognized members of the Choctaw Tribe of Indians here at that time? A I don't know.

Q Did any of them remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A Not as I know of.

Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here in Mississippi and become citizens of the States and take land? A Not that I know of.

Q Did any of your ancestors ever receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A No sir.

Q Did any of them ever receive any land here in Mississippi from the Government under any other article of that treaty or under the supplement? A No sir.

Q Did any of them ever get any money from the Government? A No sir.

Q So far as you know, did any of your ancestors ever receive any benefits whatever as Choctaw Indians? A No sir.

Q Were any of them ever recognized members of the Tribe? A No sir.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain and become citizens of the States and take land here in Mississippi under that article. The records of the Government show that this Agent failed to register and report to the Government the names of many Choctaws who did in

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fact let him know that they wanted to stay here and become citizens and on this account the Government at its public land sales here in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under article 14 of the treaty of Dancing Rabbit Creek. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed an act which was approved on the 3rd day of March, 1837, providing for the appointment of a Commission whose duty it should be to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. This Commission was duly appointed by the President of the United States and the Commissioners came down here to Mississippi and heard a few of these cases but in the time allowed them by the act of Congress under which they were appointed and a later act of Congress approved February 22nd, 1838, they were unable to dispose of but a comparatively small number of cases. It therefore became necessary for Congress to make further provision whereby the remainder of these Indians might be given hearings, so another act was passed which was approved on the 23rd day of August, 1842, providing for the appointment of another Commission to come down here to Mississippi and finish up the hearing of these cases. This Commission was duly appointed by the President of the United States and the Commissioners came down here to Mississippi and heard a great many more of these Choctaw cases.

Q Did any of your ancestors appear before either of these Commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A No sir.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to select, in lieu thereof, land elsewhere in Mississippi, or in Alabama, Louisiana or Arkansas, from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any of this scrip from the Government of the United States under this act of Congress? A No sir.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir.

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Q Have you any witnesses here today? A Yes sir.
Q What are their names? A A Gentleman out there.
Q Do you know his name? A I forgot his name.
Q Is his name Jim Ingram? A I reckon that's his name.
Q What do you expect to prove by him? A That he knew my grandfather.
Q Jack Jones? A Yes sir.
Q Have you any other witnesses? A No sir.

If you should discover any other witnesses whose testimony you desire to have taken before the Commission they may appear before us here at Meridian at any time between now and the 15th of next month or within a reasonable time thereafter at the general office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Have you any brothers living? A Max One.
Q What is his name? A Columbus C. Finley.
Q Is he here today? A Yes sir.
Q Have you any sisters living? A No sir.
Q Have you any brothers or sisters dead? A I have a sister dead.
Q Did she leave any descendants? A No sir.
Q Are any of your mother's brothers or sisters living? A No sir, not as I knows of. They are all dead to my knowledge.

By the Commission:

This applicant has the appearance of being a negro-shows no indications of being possessed of Indian blood. He does not speak or understand the Choctaw language.

Examination by Mr. S. A. Beadle:

Q You state that your mother told you that this man Jack was your father and that he was an Indian-did you ever see your father?
A Yes sir.
Q What did he tell you about this? A He didn't tell me anything about it.
Q He didn't tell you whether he was an Indian or not? A No sir, my father didn't.
Q Did Jack Jones tell you anything? A Yes sir, I have seen him.
Q Did he claim to be the father of your father? A No sir.
Q Did he claim to be the father of your mother? A Yes sir.
Q And his name was Jack Jones? A Yes sir, I have seen him many times.
Q Now, your grandfather's father-did you ever see him? A No sir, never have.
Q Did you ever hear your grandfather say that his father was an Indian? A No sir.
Q Did you ever hear him say that he was connected with the Indian Tribe? A Yes sir, I heard my grandfather say so.
Q Did he really go with the Indians? A Yes sir, we lived right amongst the Indians.
Q Where did they live? A In the cane brake and in the swamp.
Q What County? A Rankin County.
Q Your grandfather and his father spoke the Choctaw language?
A I heard my grandfather talk it many times.

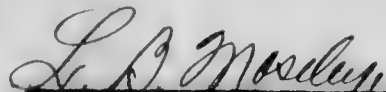
Ira S. Niles, being first duly sworn, states that as stenographer

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to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, January 23rd, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes, taken in said proceedings on said date.



Subscribed and sworn to before me this the 30th day of January, 1902, at Meridian, Mississippi.



Clerk U.S. Circuit Court Southern
District of Mississippi.

By  Deputy.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., January 9, 1903.

In the matter of the consolidated Mississippi Choctaw case of Ben Finley, et al., embracing the following applications for identification as Mississippi Choctaws:

Ben Finley, M O R 4573
Christopher C. Finley, et al., M O R 4574.

In accordance with a letter of the Secretary of the Interior, dated October 27, 1902, remanding the above entitled case to this Commission for re-hearing, said re-hearing was set for Thursday, December 11, 1902, and notice of said re-hearing was furnished the several applicants herein, their attorneys, and the attorneys for the Choctaw and Chickasaw Nations.

Upon personal application of A. W. Jones, attorney for the several applicants herein, this case was continued until January 10, 1903.

On this date, January 9, 1903, the attorney for the applicants, A. W. Jones, and the applicants, Ben Finley and Christopher C. Finley, made personal appearance, and the following proceedings were had:

Ben Finley being duly sworn testifies with reference to this matter as follows:

Examination by the Commission.

- Q What is your name? A Ben Finley.
Q What is your age? A 45 years old.
Q What is your post office address? A Yazoo City, Mississippi.
Q Did you make application to be identified as a Mississippi Choctaw at Meridian, Mississippi, before the Commission on January 23, 1902? A Yes sir.
Q Do you want to offer additional evidence now in support of the application made at that time? A Yes sir.

By A. W. Jones, Attorney for applicant:

- Q Finley, did you say your name was Ben Finley? A Yes sir.
Q Where do you live? A Yazoo.
Q You made application before the Commission at Meridian, Mississippi, to be identified as a Mississippi Choctaw? A Yes sir.
Q The application was sent from there to the Commission at Muskogee, and was forwarded to the Secretary of the Interior at Washington. We find in your application that one of your ancestors is Jack Jones; and also find a John Jones. The Secretary of the Interior is unable to know as to those two persons, and you are remanded back here to give other testimony as to whether these two men are one and the same person. Are they any relation, so far as you know? A Yes sir, that was my grandfather.
Q Which was your grandfather? A Jack Jones.
Q You say that your grandfather's name was Jack Jones; and your mother's name was what? A Mary Jones.
Q That was her maiden name? A Yes sir.
Q She was the daughter of who? A Jack Jones.
Q Do you know your great grandfather's name? A John Jones.
Q Do you know where he lived? A In Alabama.
Q Well, why you didn't state that before the Commission at Me-

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ridian? A I didn't know what they mean by that testimony what they read to me about John.

Q You mean to say that you did not know the meaning of the word "ancestor"? A That's right, yes sir; I couldn't call that word; I didn't know the name of that ancestor.

Q You say that Jack Jones was the son of John Jones? A Yes sir his father was named John Jones.

Q How long has your grandfather been dead, Jack Jones? A About 30 years; I looked it over and counted it up, about 28 years.

Q How old was he when he died? A Before he died he was 55.

Q Then if he would be living he would be about 83 years old? A Yes sir.

Q You stated at Meridian that you didn't know the name of either one of your grandfather's parents, that is Jack Jones; you state now the reason you made that statement is because you didn't understand the word "ancestor"? A Yes sir, that's right, I didn't understand it.

Q But do you know now? A Yes sir.

Q What do you know about your ancestor now? A The ancestor was John Jones, who was my grandfather's father.

I believe that's all.

By the Commission:

Q Your object in coming before the Commission today, Mr. Finley, is to supply additional testimony by giving the name of the father of your grandfather, Jack Jones, is it not? A Yes sir.

Q And you say his name was John Jones? A Yes sir.

Q You have also stated the reason why you did not give the name of your great grandfather, John Jones, before was because you did not understand what was meant by the use of the word "ancestor"? A Yes sir.

Q You did know your grandfather, Jack Jones's, father's name at that time, but you did not know that you were to give it? A That's it.

Q Was John Jones a Choctaw Indian? A Yes sir.

Q How much Choctaw blood did he have? A He was a whole Indian.

Q Full blood? A Yes sir.

Q How old would John Jones, your great grandfather, be if living now? A I don't know sir.

Q Did I understand you to say that Jack Jones would be over 80 years old if living now? A Yes sir.

Q Jack Jones was born in Mississippi, was he? A Yes sir.

Q I am asking now about your grandfather? A Yes sir.

Q He was born you say in Mississippi? A In Alabama,--I thought that was in Mississippi.

Q He was born in Alabama over 80 years ago? A Yes sir.

Q Did he live in Alabama in 1830, 73 years ago? A I suppose so, yes sir.

Q He would be a little boy, 10 or 12 years old, then? A Yes sir.

Q Was your father living there with him at that time, in Alabama? A Yes sir, I suppose so.

Q Do you know whether John Jones, the father of Jack Jones, was living in 1830 and 1831? A No sir, I don't know.

Q Do you know whether your great grandfather, John Jones, went to the United States Indian Agent, Colonel Ward, within six months after the ratification of the treaty of 1830 and told him

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he wanted to stay in Mississippi, take land there, and become a citizen of the states? A No sir, I dont know.

Q Have you any positive knowledge from family history or tradition that your great grandfather, John Jones, was living in Alabama in the old Choctaw Nation in 1830, and had a family there then? A That is what my grandfather said.

Q You have always been taught to believe that? A Yes sir.

Q Do you know whether John Jones or any other Choctaw ancestor of yours lived on land in the old Choctaw Nation in Alabama or in Mississippi for five years, and at the end of that time got a patent for that land from the government under article 14 of the treaty of 1830? A I have heard my grandfather say he owned land there.

Q Who owned land in Alabama? A His father.

Q Did you ever hear him say how he got it? A No sir.

Q Did you ever hear that John Jones, your great grandfather, received a patent for land that he held in Alabama from the government? A No sir, I never learned.

Q Did John Jones, or his son, Jack Jones, or any other Choctaw ancestor of yours go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838 at the expense of the government? A Nosir, I dont know.

Q Did any of them go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, at any time between the ratification of the treaty of 1830 and the date of this application made by you today for the purpose of making a permanent home in the Choctaw Nation, Indian Territory? A No sir.

Q Have you always lived in Mississippi? A Yes sir, I was raised in Mississippi.

Q Were you born in Mississippi? A Yes sir.

Q Did Jack Jones, your grandfather, go from Alabama to Mississippi? A Yes sir.

Q And was your father born there? A Yes sir.

Q Your father lived all his life in Mississippi? A Yes sir, my father was born in Mississippi.

Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation there in Mississippi or Alabama in 1830? A No more than my great grandfather.

Q You dont know where he got that land upon which the improvements were? A No sir.

Q Where was that land located? A It was on—I forget the name now—it was in Alabama on the Tom Bigbee river I believe.

Q Do you know in what county in Alabama? A I dont know.

Q How much land was there? A I dont know sir.

Q You dont know how it was bounded? A No sir.

Q What kind of land was it? A I dont know, sir, what kind of land it was.

Q Whether it was bottom land or not? A No sir.

Q Do you know what became of it? A No sir, I dont.

In 1837 and also in 1842, under various acts of Congress, commissions were appointed, which went to Mississippi and heard claimants under article 14 of the treaty of 1830. The reason why these commissions were appointed was because a great many

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Choctaw Indians claimed that they had been to Colonel Ward, the United States Indian Agent, at his office or agency in Mississippi, within six months after the ratification of the treaty of 1830, and attempted to register under article 14 of that treaty, but that Colonel Ward had refused to accept their names for registration, and because of his refusal these Choctaw Indians had the land which they occupied in the old Choctaw Nation, which was partly in Alabama and partly in Mississippi, taken from them and sold by the government.

- Q Do you know if any of your Choctaw ancestors, John Jones, or his son, Jack Jones, or any other Choctaw ancestor of yours, went before either of these two commissions and claimed any benefits under article 14 of the treaty of 1830? A No sir.
- Q Do you know if any of your Choctaw ancestors, John Jones in particular, your great grandfather, received any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas, to take the place of land which they had formerly claimed and occupied in the old Choctaw Nation, and which the government had taken from them and sold? A No sir, I don't know.

This scrip was issued under an act of Congress approved August 23, 1842.

- Q Have you any witnesses before the Commission that you wish to call and testify in your case? A Yes sir, I have one here.
- Q Do you know whether John Jones, your great grandfather, understood or spoke the Choctaw language? A No sir.
- Q Did you know him personally? A No sir.
- Q Do you know whether or not he had a Choctaw Indian name? A Yes sir.
- Q What was his Choctaw name? A I heard my grandfather-----
- Q I am talking about John Jones now, your great grandfather; now, I want to know if he understood or spoke the Choctaw language? A No sir, I don't know.
- Q You did not know him yourself? A No sir.
- Q He died before you were born? A Yes sir, I suppose so.
- Q Did he, John Jones, have a Choctaw Indian name? A I suppose he did.
- Q I ask you if you know? A No sir, I don't know.
- Q You never heard that he had, did you? A No sir.
- Q How much Choctaw blood did John Jones have? A A full blood.
- Q How much did Jack Jones, his son, have? A He was full blood.
- Q Jack claimed through his father and also his mother? A Yes sir.
- Q What was the name of your great grandfather's wife? A I don't know sir, I never did learn.
- Q How much Choctaw blood did your father have? A My father didn't have any at all.
- Q Your mother? A She was half.
- Q She was the daughter of Jack Jones? A Yes sir.
- Q She was born in Mississippi? A Yes sir.
- Q You testified a little while ago that the reason why you did not give the name of your great grandfather, John Jones, the father of Jack Jones, was because they used the word "ancestor", and you did not understand it? A Yes sir.
- Q Is that right? A Yes sir.
- Q The record shows that in the application that you made at Meridian, Mississippi, January 23, 1902, this question was

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- asked you by the examiner for the Commission: "Do you know the name of either one of the parents of Jack Jones?", answer: "No sir"; that question is not anything about "ancestor"; that question is plain enough, is it not? A Yes sir.
- Q You understood that question, did you? A Yes sir.
- Q That question was asked you, if you knew the name of either of the parents of Jack Jones, and you said "No"; now, you did at that time know the name of John Jones, did you not? A Yes sir.
- Q Why could you not understand that question? A Well, I found it took-----
- Q Well, hold on; at that time did you know the name of Jack Jones's father? A No sir, I didn't know it.
- Q And you have found it out since, have you? A Yes sir.
- Q Well, it was not the use of the word "ancestor" that misled you, was it? A Yes sir.
- Q The trouble was that you did not know John Jones's name, was it? A No sir, I just didn't know the meaning of that word "ancestor".
- Q That word "ancestor" was not used at all, you understand; now don't go back on that word "ancestor" a gain, because it was not used in that question; let me read it again: "Do you know the name of either one of Jack Jones's parents"; do you hear the word "ancestor" in that question? A No sir.
- Q You didn't hear any word "ancestor" in that question, did you? A No sir.
- Q Then don't lay the blame on the word "ancestor"; it was because you did not know the name of your great grandfather at that time, did you? A No sir, I didn't.
- Q This question was further asked you in that examination: "Did you ever hear your grandfather say that his father was an Indian?" answer: "No sir"; that is your record; at that time you were not only ignorant of the name of your great grandfather as being John Jones, but you furthermore testified under oath that you never heard your grandfather, Jack Jones, say that his father, John Jones, was a Choctaw Indian; so at that time you were not only ignorant of the name of the father of your grandfather, Jack Jones, but you were also ignorant of the fact that he had any Choctaw blood, were you not? A Yes sir.
- Q And you come before the Commission now, don't you, Mr. Finley, to straighten out that testimony, and to say under oath that your great grandfather's name was John Jones, and that he was a full blood Choctaw, and was the father of Jack Jones, and to complete the testimony given by you in Meridian to the extent of testifying that you have discovered the fact that you had a great grandfather, who was named John Jones, who was a full blood Choctaw Indian, is that right? A Yes sir.
- Q And this testimony that you give today is additional testimony and given to complete the testimony that you gave at Meridian on the 23rd day of January, 1903? A Yes sir.
- By A W Jones:
- Q Is any of your aunts' children living that you know of? A Yes sir, in Rankin County, Alabama.
- Q Give the names as near as you can? A My aunt, Ellen Dove, Edmond Prector, that's her son, and John Prector, and a daughter named Sis Anderson, that's all in Rankin.
- Q Is that all you know of? A Same in Greenwood county.
- Q They were there when you last heard of them? A Yes sir.

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- Q Well, are there any others as far as you know? A There's some in Greenwood.
- Q Do you know the names of them? A No sir, I don't know the names in Greenwood.
- Q Have you any uncles living? A I have an uncle in Pine Bluff, Arkansas named John Jones.
- Q That's your mother's brother? A Yes sir.
- Q You stated ~~that~~ at the time you appeared before the Commission that you did not know of any of them living? A Yes sir.
- Q Have you since found out that they are? A Yes sir.
- Q Some in Pine Bluff, Arkansas and some in Mississippi? A Yes sir.

By the Commission:

- Q Do you know when your great grandfather, John Jones, was born? A No sir.
- Q Do you know where he was born? A No sir.
- Q Where did he live most of his life, so far as you know? A In Alabama.
- Q Did he die in Alabama? A Yes sir.
- Q You say you don't know where he was born, but do you know whether he was born in Alabama? A No sir, I don't.
- Q Do you know where in Alabama he died? A No sir.
- Q Do you know when he died in Alabama? A No sir, I don't.
- Q You are sure that his son, Jack Jones, was living in Alabama in 1830, 75 years ago? A Yes sir.
- Q And do you think that his father, John Jones, was alive and living there at that time? A Yes sir.
- Q Then you are quite positive, are you, from what you have learned in your family that your great grandfather, John Jones, lived in Alabama in 1830, and that his son, Jack Jones, was also living there with him at that time? A Yes sir.

By A W Jones:

- Q Do you know that your great grand father was living there; you have said that you know he lived there? A No sir, I don't know for certain.
- Q Do you want that statement corrected,-- that you knew positive that he did live in Alabama? A I don't know whether he did for certain.
- Q You don't know where he lived, do you? A No sir, He was in Alabama, I don't know when.

By the Commission:

- Q Mr. Finley, did you ever hear that on August 18, 1842, a patent was issued to one John Jones for the following described land: "Fractional Sections 25, 26, and 27, T. 20., N. R. 1 W., 254 90/100 acres"? A No sir.
- Q The records in the possession of the Commissioner of Indian Affairs show that such land was given to one John Jones, described as I have read it to you; you don't know whether that John Jones whose name appears in that record is your great grandfather, do you? A I heard my grandfather say-----
- Q I have already asked you about your great grandfather having land; I ask you if the John Jones who received land as described is the identical person whom you know is your great grandfather? A Yes sir.
- Q Are you sure of that? A Yes sir.
- Q How are you going to be sure of it? A I ain't sure of that; I take that back.

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The patent that has been referred to of the land described recited that the land was situated on the west of the Tom Bigbee river in the state of Alabama.

- Q Now, do you know whether your great grandfather had land on the east or the west side of the Tom Bigbee river in the state of Alabama? A No sir, I dont.
- Q Do you know as a matter of fact that your great grandfather, John Jones, had a child over ten years of age at the date of the treaty? A No sir.
- Q Do you know whether your great grandfather, John Jones, had a daughter named Polly? A No sir, I dont.
- Q Did you ever hear the name of one Samuel McGee who married a Polly Jones? A No sir.
- Q Did you ever hear of Samuel McGee, or Polly, his wife? A No sir.
- Q Do you know whether Jack Jones, your grandfather, had any other children besides your mother, Mary? A Yes sir.
- Q Do you know the names of these children? A Yessir, John.
- Q Named after his grandfather? A Yes sir.
- Q Any others? A Tobe Jones, but he's dead.
- Q Any others? A An aunt here in Rankin County, Ellen Love.
- Q These are all the children of your grandfather, Jack Jones? A Yes sir.
- Q Any others? A No sir, not that I know of now.

By A W Jones:

- Q I just want to ask you, do you know whether or not your mother was a slave? A No sir, she wasn't any slave.

Witness excused.

Christopher C. Finley, one of the applicants in this consolidated case, being duly sworn testifies as follows:

Examination by the Commission.

- Q What is your full name? A Christopher Columbus Finley.
- Q What is your age? A 43.
- Q What is your post office address? A Phillips, Mississippi.
- Q Did you make application to be identified as Mississippi Choctaws for yourself and child, Garnett Finley, at Meridian, Mississippi, January 23, 1908? A Yes sir.
- Q Do you come before the Commission at this time to give additional testimony in support of the application that you made at that time? A Yes sir.

By A W Jones, Attorney for applicant:

- Q Your name is Columbus Finley? A Yes sir.
- Q You live in Mississippi? A Yes sir.
- Q You appeared before the Commission at Meridian in January and made application to be identified as a Mississippi Choctaw by blood? A Yes sir.
- Q Your application was then sent away to the Secretary of the Interior, who finds that one of the names who you gave as one of your ancestors and one John Jones here seemed to be the same person; do you know anything about whether or not these two parties are one and the same person, or whether they are any relation? A My grandfather says that John Jones was his father.
- Q Have you heard your father say that his father was named John Jones, or your grandfather say that his father was named John Jones? A Yes sir.
- Q That would be your great grandfather? A Yes sir.
- Q You stated before the Commission at Meridian that you didn't know anything about your great grandfather's name; why did you make that statement? A At the time I didn't know.
- Q You found out since? A Yes sir.
- Q What have you found out about it? A I find that John Jones was

Christopher C. Finley-----2

- my grandfather's father.
- Q Now just state how you come to know these things, and what you know about him? A Why, I heard it by making 'quirations.
- Q And you found out what? A That he was my grandfather's father.
- Q Did you ever ~~xxxx~~ see John Jones? A No sir.
- Q Did you ever see Jack Jones? A Yes sir.
- Q Did you ever hear him say anything about him? A Yes sir.
- Q What did he say? A He said his father was named John Jones.
- Q Where did he say he lived? A In Alabama.
- Q Now, then, Jack Jones was your grandfather? A Yes sir.
- Q How long has Jack Jones been dead? A 38 years.
- Q How old was he when he died? A He was 55.
- Q You gave at Meridian about 60; how do you know he was 55? A I have counted his age up.
- Q How old would he be if he was living now? A He would be 83 years old now.
- Q Well, you saw him then and talked with him? A Yes sir.
- Q And Jack Jones told you that his father's name was John Jones? A Yes sir.
- Q Are you sure; that's the truth now? A Yes sir.
- Q You want to make a true statement; you can go on and state as to your relations; your mother's people or your uncles or any of your people's connection; have you any aunts? A In Rankin County, Mississippi,-- named Ellen Love.
- Q Do you know how many children she has? A Edmond Proctor and John Proctor, and George, and Narcissa Anderson, supposed to be; and I have an uncle in Pine Bluff, Arkansas named John Hones, supposed to be named after his grandfather.
- Q Who was this John Jones's father? A Jack.
- Q John then takes his name after his grandfather, John Jones? A Yes sir.
- Q How do you know that? A That's what he says; he named one child after his father, and he had one son named Henry.
- Q Where does he live? A In Hines County, Mississippi, the last I heard of him.
- Q Do you know of any others? A I have some relatives in Yazoo City.
- Q What is their names? A Roxy Knights.
- Q What relation to you? A A cousin, and she has a girl named Sylvania.
- Q Have you any other relations? A And a boy named Percy Strickland, and one named Alonzo Strickland; and I have some in Greenwood, Mississippi? A Yes sir.
- Q Do you know the names? A I know one of them.
- Q What is the name? A N. L. Lackey, and he has a daughter; I never did see her.
- Q Do you know whether there is any more of the lackey family? A His wife.
- Q You don't know much about them anyway? A No sir.
- Q That is all you know about them? A Yes sir.
- Q Did John Jones ever live in the state of Mississippi to your knowledge? A He lived there before I was born.
- Q Jack Jones lived and died there, did he? A Yes sir.

Christopher C Finley-----3

- Q Where did Jack Jones live in 1830, do you know, at the time of the treaty? A He was in Alabama.
- Q How do you know? A I don't know he was, because I was quite young.
- Q If you don't know where he lived say you don't know? I just don't know; he said he lived there.
- Q In Alabama? A Yes sir.

By the Commission:

- Q You appeared before the Commission and made application to be identified as a Mississippi Choctaw on January 23, 1902, at Meridian, Mississippi? A Yes sir.
- Q And at that time you gave the name of your grandfather, Jack Jones, as your ancestor? A Yes sir.
- Q And at that time you didn't know that his father, John Jones, had any Choctaw blood, did you? A No more than by him being a Choctaw.
- Q You did not give the name of John Jones at all, did you? A No sir.
- Q At that time did you know anything about John Jones, your great grandfather? A No more than that I heard my grandfather say.
- Q Jack Jones? A Yes sir.
- Q Did you ever hear your grandfather, Jack Jones, say that your great grandfather, John Jones, had Choctaw blood? A Yes sir, he said that his father was a full blooded Indian.
- Q Did you know that at the time you made your application? A No sir,— the first time I ever met the Commission I didn't know hardly what to say to them.
- Q When was it that your grandfather, Jack Jones, told you that his father, John Jones, had Choctaw blood? A That was before he died.
- Q So that you did know it at the time you made application, did you? A I knew it, but I just didn't think about it.
- Q You didn't know enough to state it? A That's the first time I had ever met the Commission and I didn't hardly know what to say.
- Q Let's see what you did say and try to straighten it all out;—you think your grandfather, Jack Jones, would be about 83 years old if living now? A Yes sir.
- Q And was he born in Alabama? A Yes sir.
- Q Where did he die, do you know? A In Mississippi, in Rankin County.
- Q Your grandfather, Jack Jones, was living in Alabama in 1830? A Yes sir.
- Q And was about ten years old at that time? A Yes sir, supposed to be.
- Q Do you know whether his father, John Jones, was living at that time also? A No more than what he said.
- Q Did Jack Jones say so? A Yes sir.
- Q When did you talk with your grandfather, Jack Jones, about these things? A Yes sir, I talked with him.
- Q When; did you ever see John Jones, your great grandfather? A No sir.
- Q He was a Choctaw Indian living in Alabama in 1830 and had a family there then? A Yes sir.
- Q That is what you got from your grandfather, Jack Jones? A Yes sir.

Christopher C Finley-----4.

- Q Do you know whether John Jones went to the United States Indian Colonel Ward, within six months after the ratification of the treaty of 1830, and told him he wanted to stay in Mississippi, take land there, and become a citizen of the states? A No sir.
- Q Did John Jones, or any Choctaw ancestor of yours live on land in Alabama, or Mississippi, for five years, in the old Choctaw Nation, and then get a patent or deed from the government to that land? A I dont know sir.
- Q Did you ever hear that John Jones, or any Choctaw ancestor of yours, claimed any land in that old Choctaw Nation under article 14 of the treaty of 1830, in Alabama or Mississippi? A I heard grandfather say he owned land in Alabama somewhere.
- Q Said who did? A His father, John Jones.
- Q That would be your great grandfather? A Yes sir.
- Q Do you know whether he got it from the government or whether he bought it? A No sir.
- Q Do you know whether he claimed it as a Choctaw Indian? A No sir, I dont know.
- Q Do you know where that land was located? A No sir.
- Q Do you know how much there was of it? A No sir.
- Q Do you know how it was bounded? A No sir.
- Q Did it have any improvements? A I dont know sir.
- Q Did John Jones go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, at any time between the ratification of the treaty of 1830, and the date of this application made by you today, or ~~what~~ did any other Choctaw ancestors of yours did who were descendants of John Jones go? A I dont know sir.
- Q Did John Jones or his son, Jack Jones, or any other Choctaw ancestor of yours go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory, with the other Indians between 1833 and 1838 or '40 at the expense of the government? A I dont know sir.

In 1837, and also in 1842, by different acts of Congress, Commissions were appointed, one commission by an act of Congress approved March 3rd, 1837, and another commission appointed by an act of Congress approved August 23rd, 1842. These Commissions went to Mississippi and heard claimants under article 14 of the treaty of 1830. These Choctaw Indians who went before these Commissions claimed that they had gone to Colonel Ward and attempted to register under article 14 of that treaty, but that Colonel Ward had refused to allow them to register, and because of his refusal their lands in the old Choctaw Nation had been taken from them by the government and sold.

- Q Do you know whether John Jones or any other Choctaw ancestor of yours ~~having~~ went before either of these commissions and claimed any benefits under article 14 of the treaty of 1830? A No sir.
- Q Did John Jones, or his son Jack, or any other Choctaw ancestor of yours, receive any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A Not as I know of.
- Q Was your father a full blood Choctaw? A Yes sir.
- Q He got his Choctaw blood from his father, John Jones, and from his mother, also? A Yes sir, my grandfather did.
- Q I am talking about your grandfather, Jack Jones, instead of your father? A Yes sir.

Christopher C. Finley—5

- Q What was his mother's name? A I don't know sir.
- Q I am now asking about the wife of John Jones, your great grandmother? A Yes sir, I don't know.
- Q Do you know how old she would be if living now? A No sir.
- Q You don't know anything about her? A No sir.
- Q Were any of your ~~ancestors~~ ancestors slaves at any time? A My parents?
- Q Your parents or grandparents or any ancestor? A No sir, none of my grandparents.
- Q Who of your relatives were? A My father and mother is all.
- Q And you are how old now? A 43.
- Q You were born in slavery, were you? A I reckon I was, but I don't know nothing about it.
- Q But as a matter of fact you were? A Yes sir.
- Q How did your mother and father happen to be slaves, and you, if Jack Jones was not a slave; do you know whether he was or not? A No sir, he wasn't no slave.
- Q How did they happen to be? A It come from my mother's mother's side I guess.
- Q But you say your father was a slave? A Yes sir; I don't know; he was just naturally a slave.
- Q But only those who are supposed to be of African descent are naturally slaves? A Yes sir.
- Q You can not explain how your father happened to be a slave? A No sir.
- Q Do you claim your Choctaw blood through your father or mother? A No sir, my mother.
- Q Your father was a black man? A Yes sir.
- Q So he was naturally a slave? A Yes sir.
- Q How did your mother happen to become a slave? A By her mother.

By A. W. Jones?

- Q You say your mother was a slave? A Yes sir.
- Q Did Jack Jones marry a Negro woman who was a slave? A I suppose so?
- Q Don't you suppose, but is it a fact? A I don't know.
- Q If you don't know then you don't know that you were a slave? A I know my mother was slave.
- Q Well, he must have married a slave woman? A Yes sir.
- Q Then of course his children, under the laws of the state of Mississippi, become slaves? A Yes sir.
- Q Your grandmother was a slave woman? A Yes sir.
- Q Do you know that to be so? A No more than what I heard my mother say.
- Q Your mother said her mother was a slave? A Yes sir.
- Q Jack Jones married this slave woman? A I suppose so.
- Q You mustn't suppose that; if you have heard it that way say it, and if you didn't just say "I don't know"? A I don't know.
- Q But under the laws of the state of Mississippi she would become a slave if he married her? A Yes sir.
- Q And he must have married a slave woman? A Yes sir.
- Q But you don't know about that? A No sir.
- Q But you say that Jack Jones was a Choctaw Indian? A Yes sir.

By the Commission:

- Q The Commissioner of Indian Affairs in his letter of October 18, 1902, to the Dawes Commission states that by inquiry at the General Land Office it was ascertained that on August 18,

1842, a patent was issued to John Jones for the following described land: "Fractional sections 24, 25, 26 and 27, T. 20, N. R. 1, W., 954 90/100 acres"; do you know whether your great grandfather, John Jones, received any land so described from the government, or not? A No sir.

- Q You dont know whether the John Jones whose name appears on that record is your great grandfather or not? A No sir.
- Q The patent recited further that the land was situated west of the Tom Bigbee river in the state of Alabama; do you know whether your great grandfather held any land east or west of the Tom Bigbee river? A No sir.
- Q Do you know whether at the date of the treaty of 1830 your great grandfather, John Jones, had one child over ten years of age? A No sir.
- Q Do you know whether your great grandfather, John Jones, had a daughter named Polly? A No sir.
- Q Did you ever hear the name of one Samuel McGee? A No sir.
- Q You dont know whether Polly Jones married a man named Samuel McGee or not? A No sir.
- Q You dont know whether a man named Samuel McGee ever existed who was a half blood Choctaw Indian? A No sir.
- Q Mary Jones was the daughter of Jack Jones? A Yes sir.
- Q Do you know whether Jack Jones had any other children? A Yes sir.
- Q He had one named John Jones? A Yes sir.
- Q Named after your great grandfather? A Yes sir.
- Q Any others? A Yes sir.
- Q What others? A Ellen Love.
- Q Any others? A Yes sir, Henry Jones.

By A W Jones:

- Q Did you have one or two aunts? A Two.
- Q You only gave one, Ellen Love? A And the other one was named Louisa Jones; she married a man named Jones, too.

Statement By A. W. Jones, Attorney for applicants: These applicants have three other witnesses, one named Richard Harper; I dont know the names of the other two, who live over seven hundred miles from here, and the applicants are unable to pay their expenses to come here, who could give more light on this matter if they were here; some are 90 years old, and one is 103 years old, and along there, who could give more light on these ancestors, if they were here.

Witness excused.

Jim Ingram being called as a witness by applicants, after being duly sworn, testifies as follows:

Examination by the Commission.

- Q What is your name? A Jim Ingram.
- Q What is your age? A 60 year old.
- Q Where do you live? A Phillips, Mississippi, Tallahatchie County.
- Q Are you a Choctaw Indian or a black man? A A black man from my looks.
- Q Are you an applicant before the Commission? A No sir.

- Q What is your business or occupation? A Farming.
- Q Did you ever live anywhere else excepting in the state of Mississippi? A Not long; I come from North Carolina to Mississippi.
- Q Were you ever a slave? A Yes sir.
- Q Do you know Ben Finley? A Yes sir.
- Q Do you know his brother, Christopher D. Finley? A Yes sir.
- Q Do they both live in Mississippi? A Yes sir.
- Q Have you always known them in Mississippi? A Yes sir, been knowing them a long time in Mississippi.
- Q How long have you known them? A I have knowed them— been knowing these boys a long time; I have been knowing them some 13 or 14 years.
- Q You have only known them about 13 or 14 years? A Yes sir.

By A W Jones, Attorney for Applicants:

- Q What did you say your name was? A Jim Ingram.
- Q Were you before the Commission at Meridian, Mississippi, on January 23rd, 1902? A Yes sir.
- Q As a witness in this same case? A Yes sir.
- Q You are called back before the Commission here at Muskogee to give additional testimony in support of this claim; I want to know are you,— you say you know Ben Finley and his brother? A Yes sir.
- Q I want to know do you know their ancestor,— any of them? A Ancestor? what do that mean, mister?
- Q Did you ever know their grandfather or their great grandfather? A I knowed their grandfather.
- Q What was his name? A Jack Jones.
- Q Where? A In Rankin County in Mississippi.
- Q How long did you know him there? A About ten year I reckon.
- Q Do you know that he is the grandfather of these two applicants here? A That's what he says.
- Q Jack Jones told you that these were his grandchildren? A Yes sir..
- Q Did you know him ten years before he died? A Yes sir.
- Q Did you know Jack Jones's father? A No sir.
- Q Did you ever hear him say anything about him? A Yes sir, I heard him say he had a father.
- Q What was his name? A John Jones.
- Q That is a positive fact? A Yes sir, he said his father had land in there.
- Q He said his father lived where? A In Alabama.
- Q That is John Jones? A Yes sir.
- Q Who told you that? A Jack Jones told me so.
- Q On what occasion did this conversation come up between you and Jack? A I was telling him about coming from North Carolina, and he told me he come from Alabama, and he said his grandfather—
- Q His grandfather? A His father, John Jones, he owned land in there.
- Q The conversation come up about talking where you come from? A Yes sir, just about traveling.
- Q Was he an Indian? A Yes sir, a regular full blood Injun.
- Q Did you see him with any other Indians? A Yes sir.
- Q Where at? A At Brandon.
- Q What was he doing? A Hunting and selling baskets with the other Injuns like they commonly do.

- Q And you knew him up among the Indians? A Yes sir, a whole lot of them.
- Q You knew that he were one? A Yes sir, they called him a Choctaw Indian.
- Q Did you know his Choctaw Indian name? A No sir, I didn't know any but the one they call him now.
- Q Jack Jones was all you ever knew? A Yes sir.
- Q How long has Jack been dead? A About 28 years.
- Q How do you know? A Just by the places I have been; I stays at (McClendon's) 10 years, then goes to McClubb's and stays 5 years, and I goes to Smiths and stays 5 years, and I goes back to Ingrams and stays 8.
- Q That is all you know, is about where you lived? A Yes sir.
- Q He has been dead about 28 years; and how old do you suppose he was when he died? A About 55.
- Q And you know that to be a fact? A Yes sir, I know what I am telling you; I know it.
- Q And he said his father was John Jones? A Yes sir, John Jones.
- Q Jack died in Mississippi? A Yes sir.

By the Commission:

- Q You say Jack Jones was the grandfather of Ben and Christopher C. Finley? A Yes sir, he was their grandfather.
- Q Do you know the mother of Christopher C and Ben Finley? A Yes sir.
- Q What was her name? A Mary.
- Q Was she a slave? A No, she warn't a slave when I got acquainted with them.
- Q It has been testified here by Christopher that his father and mother were slaves? A They might have been.
- Q Do you know anything about his father and mother being slaves? A Baltimore Finley, his father, was a slave.
- Q Do you know anything about Mary? A I dont think she was a slave.
- Q Do you know? A No, she warn't no slave.
- Q What makes you say that you think she was not, and now say that she was not? A No, she warn't no slave; I dont think she was a slave, 'cause she and this old man lived together.
- Q Now, Mary, the mother of Ben and Christopher Finley, lived in Alabama? A Yes sir, -- sir, what did you say?
- Q She lived in Alabama, the mother of Ben and Christopher lived in Alabama? A Lived in Rankin County, Mississippi.
- Q Well all right; she then lived in Mississippi, did she? A Yes sir.
- Q Was she born in Mississippi? A I dont know sir.
- Q Did she get her Choctaw blood through her father? A Yes sir.
- Q Who was her father? A Jack Jones.
- Q Where did you know Jack? A Rankin County.
- Q How old are you now? A 80, gwine on 81.
- Q How much older was Jack than you? A Right smart.
- Q How much? A I dont know, sir.
- Q Was he ten or fifteen years older? A No sir, he warn't that much older.
- Q Two or three years? A I dont know how much, boss.
- Q Do you know how much older he was? A No sir.
- Q Do you think he was five years older, or fifteen or ten? A I dont know.
- Q Give me some idea? A I dont know sir, -- he was about ten years older than I am.
- Q Now, through whom did Jack Jones, the grandfather of Ben and Christopher Finley, get his Choctaw blood? A Who?
- Q Yes? A His father.

- Q Did you know his father? A No sir.
- Q What was his name? A John Jones.
- Q How do you know? A Jack was the man that told me.
- Q Do you know when Jack Jones died? A No sir.
- Q Did he die before or after the war? A After the war.
- Q Can you give me some idea? A Jack Jones has been---- No sir, I couldn't tell you.
- Q Did you ever hear Jack say that he went to Colonel Ward and tried to register under article 14 of the treaty of 1830? A No sir.
- Q Did he ever say his father did? A No sir.
- Q Did you ever hear him say anything about article 14 of the treaty of 1830? A No sir.
- Q Did you ever hear him say that he had any land in Mississippi or Alabama? A He said his father had land in Alabama.
- Q How did it happen that Jack didn't have any? A I don't know sir.
- Q Did his father, John, abandon or sell it? A I don't know anything about it, sir, what he done with it.
- Q Where was that land situated, did you ever hear? A No sir.
- Q Did you ever hear that a deed or patent was issued to John Jones for land, by the government of the United States? A No sir.
- Q Jack never told you anything about that? A No sir, just said he had land.
- Q You can not positively give the description of that land? A No sir.
- Q You don't know whether it was described in this way: "Fractional sections 24, 25, 26, and 27, T. 20, N. R. 1, W., 954 90/100 acres"? A No sir.
- Q You don't know whether the land was near the Tom Bigbee river in the state of Alabama? A No sir, I just heard him say the land was in Alabama.
- Q Do you know whether John Jones, the great grandfather of Ben and Christopher C. Finley, at the date of the treaty of 1830, had a child over ten years of age? A No sir.
- Q Do you know whether John Jones had a daughter, and if so what her name was? A No sir.
- Q Did you know this family pretty well? A Tolerably.
- Q If Jack Jones, the grandfather of Ben and Christopher C. Finley, had a sister would you know it? A If who?
- Q If Jack Jones, the old man you knew, had a sister or other brothers, would you know it? A No sir.
- Q Why not? A I never heard him say nothing about it.
- Q Why? Wouldn't you know his family? A No sir.
- Q Why not? A I knowed old man Jack is all.
- Q Did you know anything about his brothers and sisters? A No sir, he said his father was in Alabama.
- Q You knew him in Mississippi? A Yes sir, knowed Jack in Mississippi.
- Q And you don't know who his brothers and sisters were? A No sir, never heard him say nothig about his brothers and sisters at all.
- Q How do you know Ben and Christopher had a mother named Mary? A I have seed her.
- Q And you know her maiden name was what? A Mary Jones.
- Q Do you know for sure that she was the daughter of Jack Jones? A Jack said so.

Q I asked you a while ago if you knew anything about Jack's family? A That was his daughter.

Q Do you know anything more about the facts in this case? A No sir.

Witness excused.

W. H. Martin, being first duly sworn, on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Muskogee, Indian Territory, on the 8th day of January, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenograph notes in the same.

W. H. Martin

Subscribed and sworn to before me this 19 day of January, 1903.

Charles H. Sawyer
Notary Public.

W. H. Martin

E.H.
C.W.

DEPARTMENT OF THE INTERIOR,
COMMISSION to the FIVE CIVILIZED TRIBES.

In the matter of the application of Ben Finley, et al., for
identification as Mississippi Choctaws, consolidating the appli-
cations of--

Ben Finley, M.C.R. 4572;
Christopher O. Finley, et al., M.C.R. 4574.

DECISION.

It appears from the record herein that applications for
identification as Mississippi Choctaws were made to this Commis-
sion by Ben Finley, for himself, and by Christopher O. Finley, for
himself and his minor child, Garnett Finley, under the following
provision of the Act of Congress approved June 22, 1898, (30
Stats., 495):

"Said Commission shall have authority to deter-
mine the identity of Choctaw Indians claiming rights

in the Choctaw lands under Article Fourteen of the Treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, Eighteen Hundred and Thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under Article Fourteen of the Treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, Eighteen Hundred and Thirty, by reason of being descendants of one Jack Jones, who is alleged to have been a full-blood Choctaw Indian and to have resided in Mississippi in Eighteen Hundred and Thirty.

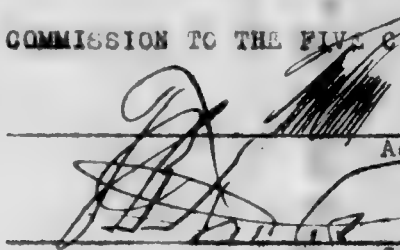
It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress, approved June 10, 1896, (29 Stats., 321)

It does not appear from the testimony and evidence offered in support of said applications or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said Article Fourteen of the Treaty of Eighteen Hundred and Thirty, and to persons who heretofore were claimants thereunder, that the said Jack Jones, or ancestors less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to


comply with the provisions of said Article Fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims, by the Acts of Congress approved March 3, 1837, (5 Stats., 180) and August 23, 1842, (5 Stats., 513).

It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Ben Finley, Christopher C. Finley and Garnett Finley as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said Article Fourteen of the Treaty of Eighteen Hundred and Thirty, and that the application for their identification as such should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,


Acting Chairman.


Commissioner.


Commissioner.

Dated at Muskogee,
Indian Territory, this
AUG -6 1902

C O P Y.

I John Jones of Sumter County hereby apply to locate the one Section and a half or nine hundred and sixty acres of land allowed me as the head of a Choctaw family under the 14th article of the Treaty at Dancing Rabbit Creek upon the following described tracts of land to wit fractional section twenty seven containing 495 70/100 acres fractional section twenty six containing 405 95/100 fractional section 25 containing 23 25/100 acres and fractional section 24 containing thirty acres all in fractional Township 20 Range one West.

Demopolis 27th Sep 1834 (signed) John Jones

The Register at Demopolis is requested to reserve for John Jones the N.E. & S.W./4 of S.No.4 Township 19 R 1 West under the late instructions and s^d claim is final after due reference is made to Congress.

(Signed) Geo W Martin ---

John Jones a reservee under the 14th article of the treaty at Dancing Rabbit Creek is registered and located for the within described tracts of land -- The register of the land Office at Demopolis is requested to reserve the same from sale and mark it on the of reserves. 27th Sep.1834.

(Signed) George W. Martin.

The State of Alabama)
Sumter County)

I Daniel Womack Clerk of the County Court of said
County do hereby certify that the above is a true and per-
fect copy of the original.

Given under my hand and the seal of said
Office at Office this 28th day of March
A.D. 1836.

Attest Daniel Womack Clerk,
by J. A. Thompson D.C.

(seal)
The State of Alabama)
Sumter County)

Personally came before me Philip S. Glover an
Acting Justice of the Peace in & for said County James A.
Bates & Mathew Labrousse who first being duly sworn deposes
and says that John Jones was residing upon the within de-
scribed land at the time of the Treaty at Dancing Rabbit
Creek and these deponents further saith that the said John
Jones has resided upon said land ever since the conclusion
of said treaty, and does reside upon said land at this time.

(signed) Jas. A. Bates
(signed) M. Labrousse.

Sworn to and subscribed before me this 27th day of
March 1836

(signed) Philip S. Glover J.P.

The State of Alabama)
)
Sumter County)

I Daniel Womack Clerk of the County
Court of said County do hereby certify that Philip S. Glover
whose signature appears to the above certificate now is and
was at the time of signing the same an Acting Justice of the
Peace in said County and that the signature purporting to be
his is genuine and his official acts are duly regarded as
such.

Given under my hand and seal this 28th day
of March in the year of our Lord 1836.

(Seal)

Attest Danl. Womack Clk
By J. A. Thompson D.C.

In the matter of the application for identification as
a Mississippi Choctaw of Ben Finley, et al.

Comes now A. W. Jones agent for the applicants herein
and prays the Honorable Commission to the Five Civilized Tribes
for an extension of time for thirty days herein in which to intro-
duce further testimony in support of the above application for
identification as Mississippi Choctaws.

Yours A. W. Jones

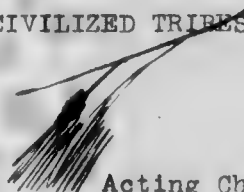
Department of the Interior,
Commission to the Five Civilized Tribes.

In the matter of the application of Ben Finley et al
for identification as Mississippi Choctaws.

Upon consideration of the motion of A. W. Jones agent
for Ben Finley, et al., applicants for identification as Mississippi
Choctaws for a continuance of thirty days from December 11, 1902
within which to introduce additional testimony in support of
this claim,

It is now by the Commission ordered that such motion
be granted and the applicants be granted until January 10, 1903
within which to submit further evidence in support of this appli-
cation and that on said latter date this case be closed and re-
transmitted to the Secretary of the Interior.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.



Acting Chairman.

Muskogee, Indian Territory,
December 11, 1902.

COPY.

M.C.R. 4573.

Muskogee, Indian Territory, August 6, 1902.

Ben Finley,
Yazoo City, Mississippi.

Dear Sir:

You are hereby advised that on the 6th day of August, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Ben Finley, et al., embracing the following applications for identification as Mississippi Choctaws:

Ben Finley, M.C.R. 4573
Christopher C. Finley, et al., 4574.

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Ben Finley, Christopher C. Finley and Garnett Finley as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said

No. 7. 68.

Article Fourteen of the Treaty of Eighteen Hundred and Thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED),

James B. Brown
Acting Chairman.

Registered.

COPY.

M.C.R. 4573.

Muskogee, Indian Territory, August 6, 1902.

A. W. Jones, Agent,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 6th day of August, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Ben Finley, et al., embracing the following applications for identification as Mississippi Choctaws:

Ben Finley, M.C.R. 4573
Christopher G. Finley, et al., " 4574.

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Ben Finley, Christopher G. Finley and Garnett Finley as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said Article Fourteen of the Treaty of Eighteen Hundred and Thirty, and

A. W. C. G.

that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

SIGNED,

Tamm Dixey.

Acting Chairman.

Registered.

COPY.

M.C.R. 4573.

Muskogee, Indian Territory, August 6, 1902.

S. A. Beadle,
Attorney at Law,
Jackson, Mississippi.

Dear Sir:

You are hereby advised that on the 6th day of August, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Ben Finley, et al., embracing the following applications for identification as Mississippi Choctaws:

Ben Finley, M.C.R. 4573
Christopher C. Finley, et al., " 4574.

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Ben Finley, Christopher C. Finley and Emmett Finley as Choctaw Indians

B. A. E. 40.

entitled to rights in the Choctaw lands under the provisions of said Article Fourteen of the Treaty of Eighteen Hundred and Thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

James Dixby.
Acting Chairman.

Register.

COPY.

M.C.R. 4573.

Muskogee, Indian Territory, August 6, 1902.

Mansfield, McMurray & Cernish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 6th day of August, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Ben Finley, et al., embracing the following applications for identification as Mississippi Choctaws:

Ben Finley, M.C.R. 4573
Christopher C. Finley, et al., 4574.

These applications were made under the provision of the act of Congress of June 25, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Ben

M. M. & C. #2.

Finley, Christopher C. Finley and Garnett Finley as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said Article Fourteen of the Treaty of Eighteen Hundred and Thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

James H. Hixby

Acting Chairman.

COPY.

M.C.R. 4873.

Muskogee, Indian Territory, August 6, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Ben Finley, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of August 6th, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

Ben Finley, M.C.R. 4873
Christopher C. Finley, et al., " 4874.

The Commission has the honor to report that the principal applicants in the several separate applications, their attorneys of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED)

James E. Eixby
Acting Chairman.

Through the
Commissioner of Indian Affairs.
1 inclosure.

- Copy -

Land
47188-1902.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs.

Washington, Oct. 18, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith a report made August 6, 1902, by the Acting Chairman of the Commission to the Five Civilized Tribes, forwarding the record in the consolidated case of Ben Finley, et al., applicants for identification as Mississippi Choctaws claiming rights under the provisions of the fourteenth article of the treaty of 1830.

Ben Finley applies for the identification of himself, and Christopher C. Finley for himself and his minor child, Garnett Finley.

August 6, 1902, the Commission decided that the applicants were not entitled to identification.

The applicants in this case claim descent from Jack Jones. The testimony shows that Jack Jones resided in Rankin County, Mississippi. Book 95, page 382 (being one of the records of this office) contains the following entry:

"406. John Jones. Frac sec 27, T 20, R 1 W
Lots No. 24 & 25 of frac sec 26-T20-R1W
Frac sec 26, T 20, R 1 W.

Certif. loca. says - 'Frac'l. Sec 27 cont'g 495 70/100 acres
Frac'l Sec 26 Cont'g 405. 95/100. Frac'l Sec 25 cont'g
23 25/100 & Frac'l Sec 24 cont'g 30 acres, all in frac'l.
Town 20, R 1 W."

Affidavit proving residence &c filed, also certificate
of location.

Witness, Saml. Moncrief & A. W. Thompson.
Certified by A. Burwell.

Appd March 1838.

AVB".

It will be observed there is a conflict between the description as first given in said entry and the second description. By informal inquiry at the General Land Office it has been ascertained that on August 18, 1842, a patent was issued to John Jones for the following described land: fractional sections 24, 25, 26 and 27, T 20 N, R 1 W, 954.90 acres. The patent recites that the land was situated West of the Tombigbee River in the State of Alabama. The amount of land reserved shows conclusively that John Jones had at the date of the treaty one child over 10 years of age. The records of this office do not show the name of said child, but they do show that Polly McGee, nee Jones, wife of Samuel McGee, was a daughter of said John Jones. No part of the reservation allotted John Jones could have been allotted to him on account of his daughter Polly, for the reason that the record shows she was married to McGee at the date of the treaty. Samuel McGee, the record shows, was a half blood and was himself a claimant for land.

The testimony in this case shows that the mother of Ben Finley---Mary Finley, nee Jones, was the daughter of Jack Jones, but it does not show whether Jack Jones had any other children.

It is respectfully recommended that the case be remanded to the Commission with direction to inform the applicants of what the records of this office show and to advise them that they will be given further opportunity to show whether the John Jones mentioned by the records of this office and the alleged ancestor, Jack Jones, were one and the same person.

A copy of the certificate of proof of residence as the same appears of record in this office in the John Jones case, is inclosed herewith to be forwarded to the Commission should the case be remanded.

Very respectfully,

Your obedient servant,

W. A. Jones,

Commissioner.

GAW
D

4 inclosures.

- Copy -

D.C. 20429.

CMR

ITD.6459-1902.

L.R.S.

DEPARTMENT OF THE INTERIOR.

Washington, October 27, 1902.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

August 6, 1902, you transmitted the record in the consolidated case embracing the applications for identification as Mississippi Choctaws, of Ben Finley for himself, and of Christopher C. Finley for himself and his minor child, Garnett Finley, together with your decision of same date denying the applications.

The applicants claim descent from one Jack Jones, who is alleged to have been a full blood Choctaw Indian and to have resided in Mississippi in 1830.

The Commissioner of Indian Affairs, in forwarding the papers October 18, 1902, states that by informal inquiry at the General Land Office it has been ascertained that a patent was issued to John Jones for a certain tract of land in the state of Alabama; and that the amount of land reserved shows conclusively that John Jones had at the date of the treaty of 1830 one child over ten years of age. He further states that the records of his office do not show the name of said child, but that they do

-2-

show that Polly McGee (nee Jones), wife of Samuel McGee, was a daughter of said John Jones; and that the record shows that Samuel McGee was a half blood Choctaw and was himself a claimant for land.

The Commissioner recommends that the case be remanded to your commission, with direction to inform the applicants of what the records of the Indian Office show, and to advise them that they will be given further opportunity to show whether the John Jones mentioned by the records and the alleged ancestor, Jack Jones, were one and the same person.

The Department believes that the facts brought out by the Commissioner justify a rehearing of the case, and the record is therefore remanded, with directions to proceed as recommended.

A copy of the Commissioner's report is inclosed herewith.

Respectfully,

E. A. HITCHCOCK,

Secretary.

GWE

2 inclosures.

Miss. Choctaw R4573

Muskogee, Indian Territory, November 11, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

The Secretary of the Interior, with his letter of October 27, 1902, returned to this Commission the record theretofore forwarded the Department in the matter of the applications of Ben Finley, et al. for identification as Mississippi Choctaws, with instructions that, in accordance with the recommendation of the Commissioner of Indian Affairs, they be granted an opportunity to introduce further testimony in support of their claim.

The Commissioner of Indian Affairs, in his letter of October 18, 1902, reporting on this case, states:

"By informal inquiry at the General Land Office it has been ascertained that on August 18, 1842, a patent was issued to John Jones for the following described land: fractional sections 24, 25, 26 and 27, T 20 N, R 1 W, 264.90 acres. The patent recited that the land was situated West of the Tombigbee River in the State of Alabama. The amount of land reserved shows conclusively that John Jones had at the date of the treaty one child over 10 years of age. The records of this office do not show the name of said child, but they do show that Polly McGee, nee Jones, wife of Samuel McGee, was a daughter of said John Jones. No part of the reservation allotted John Jones could have been allotted to him on account of his daughter Polly, for the reason that the record shows she was married to McGee at the date of the treaty. Samuel McGee, the record shows, was a half blood and was himself a claimant for land.

The testimony in this case shows that the mother of Ben

M NoM & C 2

Finley -- Mary Finley, nee Jones, was the daughter of Jack Jones, but it does not show whether Jack Jones had any other children.

It is respectfully recommended that the case be remanded to the Commission with direction to inform the applicants of what the records of this office show and to advise them that they will be given further opportunity to show whether the John Jones mentioned by the records of this office and the alleged ancestor, Jack Jones, were one and the same person."

You are hereby notified that, in accordance with recommendations of the Commissioner of Indian Affairs, the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Thursday, December 11, 1902, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered tending to show that the applicants herein are direct lineal descendants of the John Jones who, the record shows, was a beneficiary under the fourteenth article of the treaty of eighteen hundred and thirty.

Respectfully,

Acting Chairman.

Miss. Choctaw R4574

Muskogee, Indian Territory, November 11, 1902.

Christopher C. Finley,

Philipp, Mississippi,

Dear Sir:

The Secretary of the Interior, with his letter of October 27, 1902, returned to this Commission the record theretofore forwarded the Department in the matter of the application made by you for the identification of yourself and your minor child as Mississippi Choctaws, with instructions that in accordance with the recommendation of the Commissioner of Indian Affairs, you be granted an opportunity to introduce further testimony in support of your claim.

The Commissioner of Indian Affairs, in his letter of October 18, 1902, reporting on this case, states:

"By informal inquiry at the General Land Office it has been ascertained that on August 18, 1842, a patent was issued to John Jones for the following described land: fractional sections 24, 25, 26 and 27, T 20, N, R 1 W, 954.90 acres. The patent recites that the land was situated West of the Tombigbee River in the State of Alabama. The amount of land reserved shows conclusively that John Jones had at the date of the treaty one child over 10 years of age. The records of this office do not show the name of said child, but they do show that Polly McGee, nee Jones, wife of Samuel McGee, was a daughter of said John Jones. No part of the reservation allotted John Jones could have been allotted to him on account of his daughter Polly, for the reason that the record shows she was married to McGee at the date of the treaty. Samuel McGee, the record shows was a half blood and was himself a claimant for land.

The testimony in this case shows that the mother of Ben Finley-- Mary Finley, nee Jones, was the daughter of Jack Jones, but

C.C.F. 2

it does not show whether Jack Jones had any other children.

It is respectfully recommended that the case be remanded to the Commission with direction to inform the applicants of what the records of this office show and to advise them that they will be given further opportunity to show whether the John Jones mentioned by the records of this office and the alleged ancestor, Jack Jones, were one and the same person."

You are hereby notified that in accordance with the recommendations of the Commissioner of Indian Affairs, the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Thursday, December 11, 1902, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered tending to show that you and your child are direct lineal descendants of the John Jones, who, the record shows, was a beneficiary under the fourteenth article of the treaty of eighteen hundred and thirty.

Respectfully,

Acting Chairman.

Registered.

Miss. Choctaw R4573

Muskogee, Indian Territory, November 11, 1902.

Ben. Finley,

Yazoo City, Mississippi,

Dear Sir:

The Secretary of the Interior, with his letter of October 27, 1902, returned to this Commission the record theretofore forwarded the Department in the matter of the application made by you for identification as a Mississippi Choctaw, with instructions that, in accordance with the recommendation of the Commissioner of Indian Affairs, you be granted an opportunity to introduce further testimony in support of your claim.

The Commissioner of Indian Affairs, in his letter of October 18, 1902, reporting on this case, states:

"By informal inquiry at the General Land Office it has been ascertained that on August 18, 1842, a patent was issued to John Jones for the following described land: fractional sections 24, 25, 26 and 27, T 20 N, R 1 W, 954.90 acres. The patent recites that the land was situated West of the Tombigbee River in the State of Alabama. The amount of land reserved shows conclusively that John Jones had at the date of the treaty one child over 10 years of age. The records of this office do not show the name of said child, but they do show that Polly McGee, nee Jones, wife of Samuel McGee, was a daughter of said John Jones. No part of the reservation allotted John Jones could have been allotted to him on account of his daughter Polly, for the reason that the record shows she was married to McGee at the date of the treaty. Samuel McGee, the record shows, was a half blood and was himself a claimant for land.

The testimony in this case shows that the mother of Ben Finley-- Mary Finley, nee Jones, was the daughter of Jack Jones, but it does not show whether Jack Jones had any other children.

It is respectfully recommended that the case be remanded to the Commission with direction to inform the applicants of what the

B.Y. 3

records of this office show and to advise them that they will be given further opportunity to show whether the John Jones mentioned by the records of this office and the alleged ancestor, Jack Jones, were one and the same person."

You are hereby notified that in accordance with recommendations of the Commissioner of Indian Affairs, the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Thursday, December 11, 1902, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered tending to show that you are a direct lineal descendant of the John Jones who the record shows was a beneficiary under the fourteenth article of the treaty of eighteen hundred and thirty.

Respectfully,

Acting Chairman.

Registered.

Miss. Choctaw R4573

Muskogee, Indian Territory, November 11, 1902.

A. W. Jones, Agent,

Muskogee, Indian Territory,

Dear Sir:

The Secretary of the Interior, with his letter of October 27, 1902, returned to this Commission the record theretofore forwarded the Department in the matter of the applications of Ben Finley et al. for identification as Mississippi Choctaws, with instructions that, in accordance with the recommendation of the Commissioner of Indian Affairs, they be granted an opportunity to introduce further testimony in support of their claim.

The Commissioner of Indian Affairs, in his letter of October 18, 1902, reporting on this case, states:

"By informal inquiry at the General Land Office it has been ascertained that on August 18, 1842, a patent was issued to John Jones for the following described land: fractional sections 24, 25, 26 and 27, T 20 N, R 1 W, 954.90 acres. The patent recited that the land was situated West of the Tombigbee River in the State of Alabama. The amount of land reserved shows conclusively that John Jones had at the date of the treaty one child over 10 years of age. The records of this office do not show the name of said child, but they do show that Polly McGee, nee Jones, wife of Samuel McGee, was a daughter of said John Jones. No part of the reservation allotted John Jones could have been allotted to him on account of his daughter Polly, for the reason that the record shows she was married to McGee at the date of the treaty. Samuel McGee, the record shows, was a half blood and was himself a claimant for land.

The testimony in this case shows that the mother of Ben Finley-- Mary Finley, nee Jones, was the daughter of Jack Jones, but it does not show whether Jack Jones had any other children.

A.W.J. 2

It is respectfully recommended that the case be remanded to the Commission with direction to inform the applicants of what the records of this office show and to advise them that they will be given further opportunity to show whether the John Jones mentioned by the records of this office and the alleged ancestor, Jack Jones, were one and the same person."

You are hereby notified that, in accordance with recommendations of the Commissioner of Indian Affairs, the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Thursday, December 11, 1902, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered tending to show that the applicants herein are direct lineal descendants of the John Jones who, the record shows, was a beneficiary under the fourteenth article of the treaty of 1830.

Respectfully,

Acting Chairman.

Registered.

M.C.R. 4573
M.C.R. 4574.

Muskogee, Indian Territory, November 29, 1902.

A. W. Jones,
Attorney at Law,
Muskogee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 23rd instant, in which you ask to be furnished with copies of the testimony of the several applicants in the consolidated Mississippi Choctaw case of Ben Finley, et al.

There is enclosed herewith a copy of the testimony given by Ben Finley in the matter of his application for identification as a Mississippi Choctaw, and copy of the testimony of Christopher C. Finley in the matter of the application for the identification of himself and minor child as Mississippi Choctaws.

There is also enclosed herewith a receipt for the same which please date, sign and return.

Respectfully,

Acting Chairman.

Enc.
R.B.E.300.

Muskogee, Indian Territory, December 2 1902.

Received of the Commission to the Five Civilized Tribes
one copy of testimony of Ben Finley, and one copy of testimony of
Christopher C. Finley, in the consolidated Mississippi Choctaw case
of Ben Finley, et al.

Yours truly
C. C. Finley

M. C. R. 4573

Muskogee, Indian Territory, December 17, 1902.

A. W. Jones, Agent,

Muskogee, Indian Territory.

Dear Sir:

There are inclosed herewith two copies of the order of the Commission granting a continuance of thirty days from December 11, 1902, in the consolidated Mississippi Choctaw case of Ben Finley, et al., M. C. R. 4573.

Respectfully,

Acting Chairman.

Enc. MGB 26.

Muskogee, Indian Territory, February 4, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

In the matter of the consolidated Mississippi Choctaw case of Ben Finley, et al., the Commission has the honor to report that upon receipt of departmental communication of October 27, 1902 (I.T.D. 6452-1902) returning the record theretofore forwarded therein, with instructions that the applicants be granted further opportunity to introduce additional evidence in support of their claim tending to show that they are direct descendants of one, John Jones, whom the record shows was a beneficiary under the fourteenth article of the Choctaw treaty of eighteen hundred and thirty, the parties in interest were, on November 11, 1902, notified that they would be allowed up to and inclusive of Thursday, December 11, 1902, to introduce testimony and evidence in this case.

On December 11, 1902, A.W. Jones, attorney for the several applicants herein, personally requested that said case be continued until January 10, 1903, which said continuance was granted.

On January 9, 1903, Ben Finley and Christopher C. Finley, applicants herein, appeared before the Commission at Muskogee, Indian Territory, and gave additional testimony in this case.

The applicants in said case have failed to show that they are direct lineal descendants of John Jones, whom the record shows to be a beneficiary under the fourteenth article of the Choctaw treaty of eighteen hundred and thirty.

The additional proceedings in the consolidated case of Ben Finley, et al., are therefore herewith transmitted, together with the original record in the case, with the recommendation that the decision of the Commission refusing the applications of the several persons included therein be not disturbed.

Respectfully,

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Acting Chairman.

Commissioner.

Through the Commissioner
of Indian Affairs.

Commissioner.

M O R 4573.

Muskogee, Indian Territory, March 5, 1903.

The Honorable,
The Secretary of the Interior.

Sir:

On August 6, 1902, the Commission transmitted the record in the consolidated Mississippi Choctaw case of Ben Finley, et al., together with its decision refusing the applications of the several persons included therein for identification as Mississippi Choctaws.

The Department, with its letter of October 27, 1902, (I T D 6489-1902) returned the record theretofore forwarded therein, with instructions that the applicants be granted further opportunity to introduce additional evidence in support of their claim tending to show that they are direct descendants of one John Jones whom the record shows was a beneficiary under the fourteenth article of the Choctaw treaty of 1830.

In accordance with such instructions, the several parties in interest were, on November 11, 1902, notified that they would be allowed up to and inclusive of Thursday, December 11, 1902, to introduce additional testimony and evidence in this case.

On December 11, 1902, A. W. Jones, attorney for the several

- 2 -

applicants herein, personally requested that said case be continued until January 10, 1903, which said continuance was granted.

On January 9, 1903, Ben F. and Christopher C. Finley, applicants herein, appeared before the Commission at Muskogee, Indian Territory, and gave additional evidence in this case.

The applicants in said case have failed to show that they are direct lineal descendants of John Jones who is shown by the government records to be a beneficiary under the provisions of the fourteenth article of the treaty of 1830.

The additional proceedings in the consolidated case of Ben Finley, et al., are therefore herewith transmitted, together with the original record in the case, with the recommendation that the decision of the Commission refusing the applications of the several persons included herein be not disturbed.

Respectfully,

Chairman.

Commissioner

Commissioner.

Commissioner.

Through the Commissioner
of Indian Affairs.

MM 77

Muskogee, Indian Territory, April 4, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

On August 6, 1902, the Commission transmitted the record in the consolidated Mississippi Choctaw case of Ben Finley, et al., together with its decision refusing the applications of the several persons included therein for identification as Mississippi Choctaws.

The Department, with its letter of October 27, 1902, (I T D 6459-1902) returned the record theretofore forwarded therein, with instructions that the applicants be granted further opportunity to introduce additional evidence in support of their claim tending to show that they are direct descendants of one John Jones whom the record shows was a beneficiary under the fourteenth article of the Choctaw treaty of 1830.

In accordance with such instructions, the several parties in interest were, on November 11, 1902, notified that they would be allowed up to and inclusive of Thursday, December 11, 1902, to introduce additional testimony and evidence in this case.

On December 11, 1902, A. W. Jones, attorney for the sever-

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- 3 -

al applicants herein, personally requested that said case be continued until January 10, 1903, which said continuance was granted.

On January 9, 1903, Ben F. and Christopher C. Finley, applicants herein, appeared before the Commission at Muskogee, Indian Territory, and gave additional evidence in this case.

The applicants in said case have failed to show that they are direct lineal descendants of John Jones who is shown by the government records to be a beneficiary under the provisions of the fourteenth article of the treaty of 1830.

The additional proceedings in the consolidated case of Ben Finley, et al., together with the original record in the case, are therefore herewith transmitted.

Respectfully,

Through the Commissioner
of Indian Affairs.

MM 77

M C R 4573

Muskogee, Indian Territory, June 21, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

Receipt is hereby acknowledged of departmental letter of June 8, 1904 (I T D 6489-1902), referring to departmental letter of October 27, 1902, with which was remanded for further proceedings the Mississippi Choctaw case of Ben Finley, et al. The Department now asks that the Commission transmit the case at an early date, with recommendation.

In reply the Commission has the honor to respectfully advise that on April 7, 1903, the record in the consolidated Mississippi Choctaw case of Ben Finley, et al., together with additional proceedings had since the remanding of said case, was forwarded to the Secretary of the Interior. A copy of the Commission's letter transmitting the same is herewith enclosed.

Respectfully,

Chairman.

Through the Commissioner
of Indian Affairs.

Wak 2

Land.

(COPY)

23,876-1904. DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

Washington, November 9, 1904.

The Honorable

The Secretary of the Interior.

Sir:

I enclose, herewith, a report from the Commission to the Five Civilized Tribes, dated April 7, 1903, transmitting the record of the consolidated applications for identification as Mississippi Choctaws, by Ben Finley for himself and by Christopher C. Finley for himself and his minor child, Garnett Finley.

August 6, 1902, the Commission decided adversely to the applicants.

October 27, 1902, the Department remanded the case for further evidence and consideration. November 11, 1902, the persons in interest were notified that they would be allowed up to and including December 11, 1902, to introduce additional testimony and a further continuance was allowed until January 10, 1903.

It appears from the record that all of the applicants claim rights in the Choctaw lands under article 14 of the treaty of Dancing Rabbit Creek by reason of being descendants of one Jack Jones and of John Jones, alleged to have been full-blood Choctaw Indians residing in Mississippi in 183.

It further appears from the record and from records of

-2-

this Office that none of the applicants has ever been recognized, enrolled or admitted to citizenship by any tribal authority of the Choctaw Nation or by any tribunal of the United States.

It does not appear from the record or from the records of this Office relating to persons who complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, and to persons who heretofore were claimants thereunder, that the said John Jones or Jack Jones, under whom these applicants claim, or an ancestor less remote, signified in person or by proxy to any person an intention to comply with the provisions of article 14 of the treaty of 1830 or presented a claim to rights under subsequent legislation.

There is found enclosed with the record transcripts of the marriage of J.F.Cook and Leona Daffin, and of M.L.Daffin and Cora Howell; the birth of Barnett Jack; and a certificate and affidavit of T.J.White relative to a power of attorney given by one Lela V. Sylvester, born Lane, given for some purpose not shown. It does not appear that the papers mentioned relate in any manner to the record.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

A.C.Tonner,
Acting Commissioner.

(M.M.M.) P.

WCF

DEPARTMENT OF THE INTERIOR

PHE

WASHINGTON.

November 21, 1904.

D.C. 45431-1904.
I.T.D. 11524-1904.

LRS

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

On April 7, 1903, you returned the record in the consolidated Mississippi Choctaw case of Ben Finley, et al. (D.C.R. 4573). On August 6, 1902, you decided adversely to the applicants. On October 27, 1902, the Department remanded the case for further evidence and consideration. The record shows that on January 9, 1903, additional testimony was taken at Muskogee, Indian Territory.

Reporting November 8, 1904, the Acting Commissioner of Indian Affairs recommends that your decision rejecting the applicants be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

Thos Ryan

Acting Secretary.

1 inclosure.

M.O.R. 4573

COPY.

Muskogee, Indian Territory, November 30, 1904.

Ben Finley,

Yazoo City, Mississippi.

Dear Sir:

You are hereby notified that on the 21st day of November 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Ben Finley et al., of which decision you were advised by registered mail on the 6th day of August, 1902.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

M.C.R. 4573

COPY

Muskogee, Indian Territory, November 30, 1904.

S. A. Beadle,
Attorney at Law,
Jackson, Mississippi.

Dear Sir:

You are hereby notified that on the 21st day of November 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Ben Finley et al., of which decision you were advised by registered mail on the 6th day of August, 1902.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

M.C.R. 4573

COPY!

Muskogee, Indian Territory, November 30, 1904.

Mansfield, McMurray and Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 21st day of November 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Ben Finley et al., of which decision you were advised by mail on the 11th day of August, 1902.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Consolidated Case
of

Ben Finley

4573.

M.C.R.
4513

Ben Finley 45 $\frac{1}{4}$

68 or 69

Mary Jones $\frac{1}{2}$

slave
dead

mar

Baltimore Finley
slave - dead

80 or 90

Jack Jones Jr.
dead

M.C.R.
4574

Christopher P. Finley 42 $\frac{1}{4}$

mar

Cora A. Fowler

M.C.R.
4574

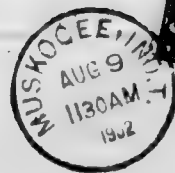
Garnett Finley 9

178

YAZOO CITY
630 PM
SEP 9
1922

IND. TER
SEP 12
1922

174
171



Department of the Interior
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use. \$300.

Don Wiley,

Wagoner, Okla.

W. H. ...

2nd notice mailed
8/28/02

1489

763

IDENTIFICATION

No. 467

IDENTIFICATION AS A MISSISSIPPI CLAIMANT

Date

JAN 9 - 1903

Name Ben Finley -

Age 45

Blood

Post Office, Yazoo City, Miss.

Father:

Mother:

Claims through

Children:

Original list given
Jan 23.03

Stenographer

W. H. Martin

No. 4573

For Identification as a Mississippi Choctaw.
Meridian, Miss.

Date JAN 23 1902

Name Ben Finley

Age 45 Blood $\frac{1}{4}$

Post Office, Yazoo City, Miss.

Father, (Baltimore) Finley d

Mother: Mary " d

Claims through mother

(Claims for ...)

Children:

Father or Mary: Jack Jones d

Stenographer

J. S. Niles

Choctaw MCR 4574

Christopher C. Finley

See MCR 4573

MCR 4574

4574

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, January 23rd, 1902.

In the matter of the application of Christopher C. Finley
for the identification of himself and his minor child Garnett Finley
as Mississippi Choctaws.

Said Christopher C. Finley, being first duly sworn, testified as follows:-

APPEARANCES; S.A. Beadle, attorney for applicant,
A.W. Jones, Agent " "

Examination by the Commission.

- Q What is your name? A Christopher C. Finley.
Q What is your age? A Forty-two.
Q How much Choctaw blood have you? A Quarter.
Q What is your postoffice address? A Philipp, Mississippi.
Q How long have you lived at Philipp, Mississippi? A Seven years.
Q Where did you live before that? A In Washington County.
Q This State? A Yes sir.
Q How long did you live there? A I lived there about six years.
Q Where did you live before that? A In Rankin County.
Q This State? A Yes sir.
Q How long did you live there? A From the time I was born until 1877.
Q You have lived in this State, then, all your life? A Yes sir.
Q Is your father living? A No sir.
Q What was his name? A Baltimore Finley.
Q Is your mother living? A No sir.
Q What was her name? A Mary Finley.
Q Through which one of your parents do you derive your Choctaw blood? A Mother.
Q How long has your mother been dead? A About eight years.
Q How much Choctaw blood do you claim she had? A Half.
Q How old was she when she died? A About sixty years old I suppose.
Q Did she live in Mississippi through her entire life? A Yes sir.
Q Was she a slave? A Yes sir.
Q Your father was a slave too? A Yes sir.
Q About how old do you think your mother would be if she were living now? A She would be about 68 or 69 years old. She has been dead about eight years.
Q Through which one of her parents did she get her Choctaw blood? A From her father.
Q What was his name? A Jack Jones.
Q He was a full blood Choctaw, then, according to your statement? A Yes sir.
Q Did you ever see Jack Jones? A Yes sir.
Q How long has he been dead? A About thirty years.
Q How old would he be if he were living now? A I don't know, sir, I don't know when he died.
Q About how old would he be? A About eighty-five years old.
Q Did he speak or understand the Choctaw language? A Yes sir.
Q Did your mother? A No sir.
Q Do you? A No sir.

Christopher C. Finley et al---2

Q Where did Jack Jones live during his life time? A In Rankin County.
Q Did he live there all his life? A When I knowed him he lived there.
Q Did he have any other name? A That's all the name I know.
Q Do you know the name of either one of his parents? A No sir.
Q Are you married? A Yes sir.
Q Is your wife living? A Yes sir.
Q What is her name? A Cora Finley.
Q Has Cora any Choctaw blood? A No sir.
Q You make no claim for her, then? A No sir.
Q Have you any children living? A One.
Q What is that child's name? A Garnett.
Q Is that a boy or girl? A Boy.
Q How old is Garnett? A Nine years old.
Q Is he the child of yourself and Cora Finley? A Yes sir.
Q This application, then, is for yourself and one minor child? A Yes sir.
Q Is this child living with you at this time? A Yes sir.
Q Were you married to Cora under a license? A Yes sir.
Q Who married you? A George Gales.
Q What official position did he hold at that time? A He was a preacher.
Q Where were you married? A Bolivar County.
Q When were you married? A I married about '91.
Q Have you your marriage license and certificate with you at this time? A No sir.

It will be necessary for you to furnish the Commission with proper evidence of your marriage to your wife Cora for use in the consideration of the application you make in behalf of your minor child. This evidence should be furnished us within thirty days from this date if possible.

Q Is your name or the name of this child to be found upon any of the Choctaw Tribal rolls in Indian Territory? A No sir.
Q Did you ever make application to the Choctaw Tribal authorities in Indian Territory for yourself or this child to be admitted or enrolled as members of the Choctaw Tribe? A No sir.
Q Is this the first application of any description that you have ever made for yourself or this minor child? A Yes sir.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.
Q Do you understand article 14 of the treaty of Dancing Rabbit Creek? A No sir.

This treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw Tribe of Indians. At the time this treaty was made the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to se-

Christopher C. Finley et al---3

cure the removal of these Indians from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, part of which is now occupied by the greater portion of the Choctaw Tribe of Indians and is commonly known as the Choctaw Nation Indian Territory. At the time this treaty was made some of the Indians were unwilling to leave this country and for the benefit of those who wanted to stay here what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who preferred to stay here in Mississippi might receive land here in Mississippi from the Government. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of the States, for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you understand that 14th article? A I understand part of it.

I want you to understand first of all that the requirements of this 14th article were of Indians who lived here 71 years ago and who wanted to stay here and not go with the Tribe out west. Shortly after that time the majority of the Indians moved out to the new nation west of the River. In case an Indian who lived here 71 years ago, when this treaty was made, desired to stay here and not go out west, with the main part of the Tribe, he was required by the terms of the 14th article, to let the Agent of the Government here in Mississippi, the Government had an Agent here in the early part of 1831, and he stayed here until six months after February 24, 1831, let that Agent know within six months after that date that he wanted to stay here and he was then entitled to a reservation of one section of 640 acres of land for himself, and for each child over ten years of age living in his family on the 27th day of September, 1830, he was entitled to one half that quantity; for each child under ten years of age one fourth of that quantity or 160 acres. The reservations for the children must, under the 14th article, adjoin the loca-

Christopher C. Finley et al---4

tion of the parent and these reservations must include the improvement of the parent as it existed on the 27th day of September, 1830, the day the treaty was made. If this Indian lived on that land for five years after the day the treaty was ratified, that is five years from February 24th, 1831, in that case he was entitled to a grant in fee simple, that is the Government would convey all its right, title and interest in this land to him and it would be his to dispose of at his own pleasure. By the provisions of the last clause of that 14th article a Choctaw who remained here in Mississippi and took advantage of the provisions of article 14 of the treaty of Dancing Rabbit Creek did not, by reason of having done so, lose the privilege of a Choctaw citizen, but if he ever removed out to the new country west of the Mississippi River, he would not be entitled to any portion of the Choctaw annuity. The Choctaw annuity is money paid to the Choctaws each year by the Government of the United States under treaty provision.

Q Did any of your ancestors ever comply or attempt to comply with the provisions of this 14th article of the treaty of Dancing Rabbit Creek? A I don't know.

Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A Not as I know of.

Q Did any of them live here in the old Choctaw Nation at that time? A Not that I know of.

Q Were any of them recognized members of the Choctaw Tribe of Indians here at that time, 71 years ago? A Not as I know of.

Q Did any of them remove from the old Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A Not as I know of.

Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here in Mississippi and become citizens of the States and take land? A Not as I know of.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A Not as I know of.

Q Did any of them ever claim or receive any land here in Mississippi from the Government under any other article of that treaty or under the supplement? A Not as I know of.

Q Did any of them ever get any land here in Mississippi from the Government, to your knowledge? A Not as I know of.

Q Or any money? A Not as I know of.

Q Were any of your ancestors ever recognized members of the Choctaw Tribe of Indians? A Not as I know of.

Q Did any of them ever live in Indian Territory? A Not as I know of.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to

Christopher C. Finley etal---5

register the names of such Choctaws as might desire to remain here and become citizens of the States and take land, under this 14th article. The records of the Government show that this Agent failed to register and report to the Government the names of many Choctaws who did in fact let him know that they wanted to stay here and become citizens of the States and take land and on this account the Government at its public land sales here in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under article 14 of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed an act which was approved on the 3rd day of March, 1837, providing for the appointment of a Commission to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. This Commission was duly appointed by the President and the Commissioners came down here to Mississippi and heard a few of these Choctaw cases, but in the time allowed them by the act of Congress under which they were appointed and a later act of Congress approved the 22nd day of February, 1838, they were unable to dispose of but a comparatively small number of cases and it therefore became necessary for Congress to make further provision whereby the remainder of these Indians might be given hearings. So, another act was passed which was approved the 23rd day of August, 1842, providing for the appointment of another Commission to come down here to Mississippi and finish up the hearing of these cases. This Commission was duly appointed by the President of the United States and the Commissioners came down here to Mississippi in the forties and heard a great many more of these cases.

Q Did any of your ancestors appear before either of these Commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A Not as I know of.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to select, in lieu thereof, land elsewhere in Mississippi, or in Alabama, Louisiana or Arkansas, from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any of this scrip from the Government of the United States under this act of Congress? A I don't know.

Christopher C. Finley et al---6

Q Do you know any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir.

Q Have you any witnesses here today? A One.

Q What is his name? A Jim Ingram.

Q What do you expect to prove by him? A That my grandfather was a full blood Indian.

Q Is that all? A Yes sir.

Q How long have you known Jim Ingram? A Ever since I was big enough to know anything.

If you should find any other witnesses whose testimony you desire to have taken before the Commission, they may appear before us here at Meridian at between now and the 15th of next month, or within a reasonable time thereafter at the general office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Have you any brothers living? A One.

Q What is his name? A Ben Finley.

Q Is he the Ben Finley who appeared before us ~~xxx~~ this morning?

A Yes sir.

Q Have you any sisters living? A No sir.

Q Have you any brothers or sisters dead? A I have a sister dead.

Q Did she leave any children? A No sir.

Q Are any of your mother's brothers or sisters living? A Not as I know of.

Q Are any of the children of any of them living? A Not as I know of.

Q Are there any further statements you want to make at this time in support of your application? A No sir.

By Mr. S. A. Beadle:

Q Did you ever hear Jack Jones say that he had attempted or that his parents had attempted to be enrolled at this treaty? A No sir.

Q Did you ever hear him say that his father had attempted to be enrolled? A No sir.

By the Commission:

This applicant has the appearance of being a negro-shows no indications of being possessed of Indian blood-does not speak or understand the Choctaw language.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause, heard at Meridian,

Christopher C. Finley et al---7

Mississippi, January 23rd, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

John S. Hicks

Subscribed and sworn to before me this the 30th day of January, 1902, at Meridian, Mississippi.

L. B. Moseley
Clerk U.S. Circuit Court, Southern
District of Mississippi.

By *[Signature]* Deputy.

M.C.R. 4574

Muskogee, Indian Territory, August 1, 1902.

Christopher C. Vinley,
Phillip, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 27th inst., in which you ask to be advised of the present status of your claim.

In reply you are informed that it appears from the records of the Commission that you are an applicant for the identification of yourself and your minor child as Mississippi Choctaws.

The Commission is now considering the right of yourself and minor child to be identified as Mississippi Choctaws and it is probable that a decision will be rendered in the near future. You will be duly notified of the action of the Commission and of the forwarding of the record to the Secretary of the Interior for his review.

Yours truly,

Acting Chairman.

COPY.

M.C.R. 4574.

Muskogee, Indian Territory, August 6, 1902.

Christopher C. Finley,
Philipp, Mississippi.

Dear Sir:

You are hereby advised that on the 6th day of August, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Ben Finley, et al., embracing the following applications for identification as Mississippi Choctaws:

Ben Finley, M.C.R. 4573
Christopher C. Finley, et al., 4574.

These applications were made under the provision of the act of Congress of June 28, 1900 (30 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Ben Finley, Christopher C. Finley and Garnett Finley as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said

G. C. V. #2.

Article Fourteen of the Treaty of Eighteen Hundred and Thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED).

Acting Chairman.

Registered.

M.C.R. 4573
M.C.R. 4574.

Muskogee, Indian Territory, November 29, 1902.

A. W. Jones,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 23rd instant, in which you ask to be furnished with copies of the testimony of the several applicants in the consolidated Mississippi Choctaw case of Ben Finley, et al.

There is enclosed herewith a copy of the testimony given by Ben Finley in the matter of his application for identification as a Mississippi Choctaw, and copy of the testimony of Christopher C. Finley in the matter of the application for the identification of himself and minor child as Mississippi Choctaws.

There is also enclosed herewith a receipt for the same which please date, sign and return.

Respectfully,

Acting Chairman.

Enc.
A.B.B. 200.

M.C.R. 4574.

Muskogee, Indian Territory, December 4, 1902.

Christopher G. Finley.

Phillipp, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 30th ultimo, asking to be advised how to proceed in your case.

In reply, you are informed that the Commission, on November 11, 1902, forwarded you a communication by registered mail, advising that the Secretary of the Interior had returned to this Commission the record in your case, with instructions that you be given an opportunity to testify further in support of your claim. The Commission holds your receipt for this letter.

In said letter you were given full information in regard to the additional testimony necessary in your case, and the Commission cannot further advise you in the premises.

Your case is set for rehearing on December 11, 1902, and on that date the Commission will proceed to call the case and receive such additional testimony as may be offered.

C S F 2

If no additional testimony is offered up to and inclusive of December 11, 1902, the Commission will return the record in the case to the Secretary of the Interior, together with its report thereon.

Respectfully,

Acting Chairman.

MR 4574

C o p y.

Phillipp, Miss. Nov. 19, 1902.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

I received your letter; I was glad to receive it. Now I say I would be glad to meet the Commission but I am financially embarrassed. I just can not get there. In case I could get there I could not give any better statement than I give to the Commission when I met it in Meridian, Miss. I do not know anything about John Jones at all; all I know is of Jack Jones, and if I could I could not state any better than I have stated when I met the Commission in Meridian this past winter. Now I beg the mercies of the Commission.

Please let me--still let me hear from you.

Respectfully,

(Signed) Christopher C. Finley.

M.C.R. 4574

Muskogee, Indian Territory, November 26, 1902.

Christopher C. Fidler,

Phillips, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 19th instant, in which you state that you cannot offer any further evidence in support of your claim for identification as a Mississippi Choctaw.

A copy of your letter has been filed with the record in your case.

Respectfully,

Acting Chairman.

M C R 4574

Muskogee, Indian Territory, September 27, 1904.

Christopher C. Finley,
Hattson, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 11th instant, in which you ask to be advised of the status of the Mississippi Choctaw case of Christopher C. Finley, et al.

In reply to your letter you are informed that on February 4, 1903, the record in this case, together with the additional proceedings had since the remanding thereof, on October 27, 1902, was transmitted to the Secretary of the Interior, and up to the present time this office has not been advised of any departmental action thereon. When the Commission is informed of departmental action in your case, you will be promptly notified thereof.

Respectfully,

JD

Chairman.

M.C.R. 4574

COPY.

Muskogee, Indian Territory, November 30, 1904.

Christopher C. Finley,

Philipp, Mississippi.

Dear Sir:

You are hereby notified that on the 21st day of November 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Ben Finley et al., of which decision you were advised by registered mail on the 6th day of August, 1902.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

JAN 9 - 1903

Date

Name Christopher C. Finley

Age 43 Blood

Post Office, Phillips, Miss.

Father: Baltimore Finley

Mother: Mary "

Claims through

Children:

Original test. given
Jan. 23, '00 -

W. H. H. H.

Meridian, Miss.

Date JAN 23 1902

Name Christopher L. Finley

Age 42 Blood 1/4

Post Office, Philipp, Miss.

Father Baltimore Finley

Mother: Mary "

Claims through mother.

Wife Cora Finley

no claim for her

(Claim for ...)

Children:

Garnett Finley (M) 9

Father of Mary - Jack Finley

Stenographer

I. S. Niles

Choctaw MCR 4575

Montgomery Irue

MCR 4575

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Montgomery Irve,
et al., for identification as Mississippi Choctaws, M.C.R. 4375.

List of papers forwarded to the Secretary of the interior
comprising the record in the above entitled case.

Original application of Montgomery Irve, et al., to the Dawes Commission for i- dentification as Mississippi Choctaws.....	1
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4575

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, January 23, 1902.

In the matter of the application of Montgomery Irve for the identification of himself and one minor child, Ophelia, as Mississippi Choctaws. Andrew W. Jones, Agent, and Samuel A. Beadle, Attorney, for applicant.

Montgomery Irve, having been first duly sworn, upon his oath testified as follows:

Examination by the Commission.

- Q What is your name? A Montgomery Irve.
Q How old are you? A I am fifty three.
Q How much Choctaw blood have you? A About three quarters Choctaw.
Q What's your post office address? A Vaden, Mississippi, Carroll County.
Q How long have you lived in Carroll County, Mississippi? A About forty eight years.
Q Where did you live before that? A I was bred and born in Alabama.
Q What part of Alabama? A I don't know, sir, I was little when they drove me away from there; I don't know.
Q Were you a slave? A Yes, sir, I was a slave.
Q Is your father living? A No, sir.
Q What was his name? A Philip Irve.
Q Is your mother living? A No, sir.
Q What was her name? A Harriet.
Q Through which one of your parents do you derive your Choctaw blood? A My father.
Q How much Choctaw blood did your father have? A His mother was a full blood Indian.
Q Your father, then, was one-half? A Yes, sir.
Q Your mother had no Choctaw blood? A Not a bit.
Q Were your father and mother both slaves? A Yes, sir.
Q Well, now, if your father was a half blood, and your mother had none, how much do you figure out that you are, three quarters Choctaw? A That's what the Indians all call me, tell me that I am three quarters; they used to come to our house.
Q How long has your father been dead? A Father been dead about four years.
Q How old would he be if he were living now? A He would be about ninety years old.
Q Did he live in Mississippi all his life? A No, sir, not all his life; he was bought and brought to Mississippi.
Q Where was he brought from? A Some portion of Alabama.
Q Do you know where? A No, sir.
Q Do you know where your father was born? A No, sir.
Q Were he and your mother lawfully married? A Yes, sir.
Q Have you any evidence of that fact? A No evidence here; Ingram there could prove it that they were lawfully married and come to this country.
Q How many children did they have? A Fourteen of us.
Q Now, what was the name of your father's father? A I couldn't tell you that.

Montgomery Irve, et al., 2.

Your mother's father? A I couldn't tell you that.
Q But you are sure that one of them was a full blood Indian?
A Yes, sir, I have heard him say that often.
Q You don't know where either of his parents lived? A No, sir.
Q Nothing about that? A No, sir.
Q Are you married? A Yes, sir, I am married.
Q Is your wife living? A Yes, sir.
Q Has she any Choctaw blood? A No, sir.
Q You make no claim for her, then? A No, sir.
Q Have you any children who are under twenty one years of age and unmarried? A Got one under twenty one.
Q Is that one married? A No, sir, aint nary one of them married.
Q You have one under twenty one? A Yes, sir.
Q How old is that child? A Eighteen.
Q What is the child's name? A Ophelia Irve.
Q She is not married? A No, sir, she aint married.
Q What's the name of her mother? A Jane Irve.
Q Is she living? A Yes, sir.
Q Has no Choctaw blood? A No, sir.
Q Were you married to her under a license? A Yes, sir.
Q When? A About thirty years ago.
Q Where? A Over in Atalla County, Mississippi.
Q Who married you? A I don't know, a Baptist preacher married me; a white Baptist preacher married me.
Q Have you your marriage license and certificate with you at this time? A No, sir.

It will be necessary for you to furnish the Commission with proper evidence of your marriage to your wife Jane, to be used in connection with the application which you make in behalf of your minor child, Ophelia. The Commission would be glad to have you file such evidence within thirty days from this date, if possible.

Q This application id made in behalf of yourself and one minor child, is that correct? A Yes, sir.
Q Is your name, or the name of this child to be found upon any of the Choctaw tribale rolls in Indian Territory? A Yes, sir.
Q When did you have it put there? A No, sir, my name aint out there.
Q You never made any effort to have it put on the rolls? A No, sir.
Q Have you made any application of any description before to-day for yourself or this child? A No, sir.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under article 14 of the treaty of Dancing Rabbit Creek? A Yes, sir.
Q Do you understand article 14 of the treaty of Dancing Rabbit Creek? A No, sir.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to

Montgomery Irve, et al., 3.

secure the removal of these Indians from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River a portion of which is now occupied by the greater portion of the Choctaw tribe of Indians, and is commonly known as the Choctaw Nation, Indian Territory. At the time the treaty was made, some of the Choctaws were unwilling to leave this country, and for the benefit of those who wanted to stay here what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions, a Choctaw who preferred to stay here in Mississippi might receive land here in Mississippi from the Government. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you understand that 14th article now? A Yes, sir.

Q Did any of your ancestors ever comply or attempt to comply with the provisions of that 14th article, or ever receive any benefits under it? A No, sir, I don't know.

Q Do you understand that question? Do you know whether they ever complied or attempted to comply with it? A No, sir, I don't know, none of them.

Q Did any of your ancestors live here in the old Choctaw Nation in Mississippi and Alabama in the year 1830, when the treaty of Dancing Rabbit Creek was made? A Not as I know of.

Q Were any of them recognized members of the Choctaw tribe of Indians at that time? A Not as I know of.

Q Did any of them remove from the old Choctaw Nation here in Mississippi and Alabama, to the present Choctaw Nation, in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A No, sir, not as I know of.

Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi for the Choctaws know that they wanted to stay here in Mississippi and become citizens of the States and take land?

A No, sir, not as I know of.

Montgomery Irve, et al., 4.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A Not as I know of.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under any other article of that treaty, or under the supplement to that treaty? A No, sir, not as I know of.

Q Did any of them ever claim or get any land here in Mississippi from the Government? A No, sir, not to my knowing.

Q Or any money? A Not to my knowing.

Q Were any of them ever recognized members of the Choctaw tribe of Indians? A No, sir.

Q Any of them ever receive any benefits as such? A No, sir.

Q Any of them ever live in Indian Territory? A No, sir, not as I know of.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land under that article. The records of the Government show that this agent failed to register and report to the Government the names of many Indians who did in fact let him know that they wanted to stay here and become citizens of the States and take land, and on this account, the Government at its public land sales here in Mississippi in many instances sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under article 14 of the treaty. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed an Act which was approved on the third day of March, 1837, providing for the appointment of a commission to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. This commission was duly appointed by the President of the United States and the commissioners came down here to Mississippi and heard a few of these Choctaw cases, but in the time allowed them by the Act of Congress under which they were appointed and a later Act of Congress which was approved on the 22nd day of February, 1838, providing for the continuance of this commission, they were unable to dispose of but a comparatively small number of cases. It, therefore, became necessary for Congress to make further provisions by which the remainder of these Indians might be given hearings, so another Act was passed which was approved on the 23rd day of August, 1842, providing for the appointment of another commission to come down here to Mississippi and finish up the hearing of these cases. This commission was duly appointed by the President of the United States and the commissioners came down here to Mississippi and heard a great many more of these Choctaw cases.

Montgomery Irve, et al., 5.

Q Did any of your ancestors appear before either of these commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A Not as I know of.

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in lieu thereof, land elsewhere in Mississippi, or Alabama, or Louisiana, or Arkansas, from vacant Government land, and that he should be entitled to a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any of this scrip from the Government of the United States under this Act of Congress? A No, sir.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, sir, I don't know any one.

Q Have you any witnesses here to-day? A Jim Ingram's here.

Q Is that all? A I had - Jackson was one of my witnesses for me. Bryant Jackson and George Jackson? A

Q What do you expect to prove by these witnesses? A Just to prove what they heard my father say; that his mother was a full blood Indian; and my father and his father run together so much, and heard him talk it that he was Choctaw, and my mother was a full blood Indian.

Q Is that all you expect to prove by them? A Yes, sir.

If you should find any other witnesses whose testimony you desire to have taken by the Commission they may appear before the Commission here at Meridian, Mississippi, before the 15th of next month, or within a reasonable time thereafter at the General Office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Have you any brothers living? A Yes, sir.

Q How many? A Three more brothers living besides myself.

Q Full brothers? A Yes, sir.

Q What are the names of your brothers? A One named Dallas Irve, John Irve and Colonel Irve.

Q Where does Dallas live? A Up yonder near Vaden, where I live.

Q Where does John live? A Same place.

Q Where does Colonel live? A Memphis.

Q Any of these brothers been before the Commission? A Aint nary one but me.

Q Have you any brothers dead? A Yes, sir.

Q Did they die in infancy? A Yes, sir.

Q Have you any sisters living? A Yes, sir.

Montgomery Irve, et al., 6.

Q How many? A Three sisters living.
Q What are their names? A One named Mittie Gordon, we call her Mittie, but her right name is Angeline Gordon.
Q Next sister? A Louisiana Cain.
Q Where does she live? A She is right there where I live at.
Q Where does the other sister live? A In Arkansas - In Ozark, Arkansas.
Q What's the name of your other sister? A Alice Cain.
Q Where does Alice live? A Right there where I live at.
Q Have any of them been before the Commission? A No, sir.
Q Have you any sisters dead? A Seven of them dead, sisters and brothers together.
Q Did any of them leave children? A No, sir, they all died young.
Q Are any of your father's brothers or sisters living? A Not as I knows of.
Q Any of the children of any of them living? A Not as I knows of.

By S. A. Beadle:

Q Irve, how do you know that your father was an Indian? What is it that makes you know that? A I heard - he set down and talked so much about it by the fire side, and the Indians used to come there at his house and associate with him - stop over from coming from Atalla County.
Q What were those Indians doing out there? A They were living out there, and come out in a cane brake to make baskets in this County.
Q When they were at your father's house, do you remember hearing them say anything about them attempting to be put on the rolls back in his days? A I hear them, but I couldn't understand what they were talking about.
Q Talked in their own language? A In their own language; I couldn't understand them.
Q Did your father talk with them? A Yes, sir, father understood them pretty well. I was a little fellow and I couldn't understand them.
Q Have you any witnesses here to-day who know about that? A Yes, sir.
Q What's his name? A Jim Ingram.

By Commission:

Q Any further statements you want to make? A No, sir.

(This applicant has the appearance of being a negro, and shows no indication of being possessed of Indian blood. He does not speak or understand the Choctaw language.)

(Applicant excused.)

Jim Ingram, having been first called and duly sworn as a witness in behalf of the above named applicant, upon his oath testified as follows:

Examination by the Commission.

Q What is your name? A Jim Ingram.
Q How old are you? A Sixty years old.

Montgomery Irve, et al., 7.

Q What's your post office address? A Philipps, Tallahatchie County, Mississippi.

Q How long have you lived in Tallahatchie County? A Twelve or thirteen years.

Q Where did you live before that? A Near Vaden, Carroll County.

Q How long did you live there? A All my life time; I been there a long time.

Q You were a slave, were you not? A Yes, sir.

Q Are you acquainted with the applicant, Montgomery Irve? A Yes, sir.

Q How long have you known him? A For a good many years- away back.

Q Ever since childhood? A Yes, sir, good big boys raised right there together.

Q Are you any kin to him? A None in Christ's world.

Q Are you interested in any way in the result of his application?

A No, sir, got nothing to do with it.

By S.A. Beadle:

Q We expect to prove by him that he knew Montgomery Irve's father and that many years ago the Indians come to his place near Vaden to play ball; that Montgomery Irve was intimate with them, and that he heard them say while there that many years before that that he heard them say they went to some place to get put on the rolls as Indians and because of the man who they went before being drunk, they were not placed on the rolls.

By Commission:

Q Were you acquainted with the father of Montgomery Irve? A Yes, sir, old man Phil Irve.

Q He was a slave, was he not? A Yes, sir, right at Vaden.

Q How long has he been dead? A I don't know, sir, I couldn't tell how long.

Q How old a man would he be if he were living now? A Seventy or eighty years old.

Q Was he a Choctaw? A Yes, sir, that's what he claimed it - all of them old Indians.

Q How much Choctaw blood did he have? A Mighty near all, you couldn't understand him.

Q Yet he was a slave? A Yes, sir, couldn't understand what he said hardly.

Q How long did he live there? A Oh! for years; I couldn't exactly go back there and tell you boss.

Q Did he live in Mississippi all his life? A I don't know, where he come from to Mississippi.

Q Do you know the name of his father? A No, sir.

Q Do you know the name of his mother? A No, sir.

Q You don't know the names of either of his parents? A No, sir, I am just giving you what I know.

Q Do you know whether Philip Irve, or any of his ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek? A I can't understand you, I don't know about that now. Of course, I can't answer what I don't know.

Q You understand that 14th article of the treaty of Dancing Rabbit Creek, don't you? A No, sir, explain it to me.

Q You have heard it explained several times? A Yes, sir, but I don't know.

Montgomery Irve, et al., 8.

This treaty was made here in Mississippi seventy one years ago between the United States Government and the Choctaw tribe of Indians. The Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from this country out west of the Mississippi to a new country which is now known as the Choctaw Nation, Indian Territory. At the time the treaty was made, some of the Indians were unwilling to leave this country, and for the benefit of those who wanted to stay here what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions, a Choctaw who preferred to stay here in Mississippi and not move out to the new nation might receive land here in Mississippi from the Government. It is as follows:

"Each Choctaw head of a family, being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q That's the 14th article of the treaty of Dancing Rabbit Creek; you understand that, do you? A Yes, sir.

Q Did any of the ancestors of Philip Irve, or did he, ever comply or attempt to comply with the provisions of this 14th article of the treaty of Dancing Rabbit Creek, or ever receive any benefits under it? A I don't know whether he ever received any benefits; there was a record got up among the -- concerning their going away from here, and something happened; I don't know why they didn't do it, but they broke up over it. Something happened at the ball play out there at old Vaden - at Durant, and Nubby and all these old Indians used to come there and play ball, and something got split up there and something happened, and I don't know what it was.

Q Is that all you want to say about that? A Yes, sir.

By S.A.Beadle:

Q Did you ever hear these people say that this man's father, or Grandfather, Irve's father, say his people ever attempted to get on this roll? A Yes, sir, something happened at the ball play; they had some big to do, fixing to go to the Territory, and they broke it

Montgomery Irve, et al., 9.

up some way; I don't know what it was.

Q You were a boy then? A Yes, sir, something happened at old Shougalow; he asked me a while ago, and I couldn't understand what he was talking about.

By Commission:

Q You were there at that ball play, and there was something came up about the Choctaws moving to the Territory? A Yes, sir, something come up and they broke it up.

Q What did they break up? A It must have been a record like it is now; they didn't write it right, or fix it right.

Q What was it got broke up? A The move they was making to go away to the Territory.

Q What all you, whether any of his ancestors ever complied or attempted to comply with the provisions of this 14th article of the treaty of Dancing Rabbit Creek? A Yes, sir.

Q Who did you hear talking there at that time? A Old citizens.

Q Who was some of them? A Daddy here and old Nubby Durant.

Q Indians? A Yes, sir, regular Indians; head-quartered at old Shougalow; that's how come me to know about it.

Q You have told us now everything you know about it? A Yes, sir.

Q And you have no idea what they meant? A No, sir.

(This witness is a negro of average intelligence.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 23rd day of January, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

Subscribed and sworn to before me at Meridian, Mississippi, this 30th day of January, 1902.

R. S. Streit
L. B. Moselup
Clerk U.S. Circuit Court,
Southern District of Mississippi,

By 

Deputy.

Ellen
C. v. W.

COPY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Montgomery Irvin,
et al., for identification as Mississippi Choctaws, H. C. R. 4878.

DECISION

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Montgomery Irvin for himself and his minor child, Cecilia Irvin, under the following provision of the act of Congress approved June 30, 1906 (34 Stat., 425):

"Said Commission shall have authority to determine the identity of Choctaws including claims rights in the Choctaw lands under articles fourteen of the Treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, and to that and any other articles, and to make and publish all other acts necessary thereto, and make report to the Secretary of the Interior."

It also appears from the testimony that the principal applicant was born of slave parents, prior to the emancipation proclamation and was himself a slave; that the minor applicant is now the daughter of the principal applicant, and it does not appear from the records in the possession of the Commission, that either of said applicants has ever been admitted by the Choctaw Nation.

-2-

authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stat., 321).

It is the opinion of this Commission that under the provision of law above quoted no freedman is entitled to identification as a Mississippi Choctaw, and that the application of Montgomery Irve for himself and his minor child, Ophelia Irve, as such should therefore be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Tame Dixie.

Acting Chairman.

I. B. Needles.

Commissioner.

(SIGNED)

C. R. Brockinridge.

Commissioner.

Muskogee, Indian Territory,

DEC 23 1902

M.C.R. 4575

COPY.

Muskogee, Indian Territory, December 23, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 23rd day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Montgomery Irve, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is the opinion of this Commission that under the provision of law above quoted no freedman is entitled to identification as a Mississippi Choctaw, and that the application of Montgomery Irve for himself and his minor child, Ophelia Irve as such should therefore be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

Tamm Dixby

Acting Chairman.

COPY.

M.C.R. 4575

Muskogee, Indian Territory, December 23, 1902.

S.A. Beadle,
Attorney-at-Law,
Jackson, Mississippi.

Dear Sir:

You are hereby advised that on the 23rd day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Montgomery Irve, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 26, 1896 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is the opinion of this Commission that under the provision of law above quoted no freedman is entitled to identification as a Mississippi Choctaw, and that the application of Montgomery Irve for himself and his minor child, Ophelia Irve as such should therefore be refused, and it is so ordered."

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-2-

said that the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Fannie B. B. B.
Acting Chairman

Registered.

COPY.

M.C.R. 4573

Muskogee, Indian Territory, December 23, 1902.

A.W. Jones,

Agent,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 23rd day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Montgomery Irve, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

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-2-

said time the papers in the case together with such arguments will
be forwarded to the Secretary of the Interior through the Commis-
sioner of Indian Affairs.

Respectfully,

(SIGNED)

Laura Lister
Acting Chairman.

Registered.

M.C.R. 4575

COPY.

Muskegee, Indian Territory, December 23, 1902.

Montgomery Irve,

Vaden, Mississippi.

Dear Sir:

You are hereby advised that on the 23rd day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Montgomery Irve, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 25, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is the opinion of this Commission that under the provision of law above quoted no freedman is entitled to identification as a Mississippi Choctaw, and that the application of Montgomery Irve for himself and his minor child, Ophelia Irve, as such should therefore be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office and that at the expiration of said time the papers in the case

-2-

together with such arguments will be forwarded to the Secretary
of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED,

Louis Bioby

Acting Chairman.

Registered.

CO. 1.

Muskogee, Indian Territory, January 8, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Montgomery Irve, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of December 23, 1902.

The Commission has the honor to report that the principal applicant herein, his agent, his attorney of record and the attorneys for the Choctaw and Chickasaw Nations, have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED).

James E. Dixey.

Acting Chairman.

Through the
Commissioner of Indian Affairs.
Enc. M.S.R. 4575

Muskogee, Indian Territory, January 21, 1903.

S. E. Turner,
Vaiden, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 14th inst., relative to the decision of the Commission refusing the application made by Irve Montgomery for the identification of himself and his minor child as Mississippi Choctaws. You state "his mother was a full blood Choctaw. It seems as if he ought to be entitled to the claim as the conditions would follow the mother". You ask what steps are necessary to be taken in the matter.

In reply to your letter you are informed that the Commission requires of applicants for identification as Mississippi Choctaws that they must not only show that they are possessed of Choctaw blood but they must also demonstrate that they are descendants of Choctaw ancestors who resided in the State of Mississippi or Alabama in the old Choctaw Nation in 1830 and that such ancestors complied or attempted to comply with the provisions of article fourteen of the Choctaw treaty of 1830, or who were subsequently adjudicated beneficiaries thereunder by either of the two Commissions authorized for this purpose by the acts of Congress approved March 3, 1837 and August 25, 1842.

S.E. Turner---2

The fourteenth article of the treaty of 1830, above referred to, is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

The evidence submitted in this case does not tend to show any act of compliance on the part of the ancestors through whom these applicants claim the right to identification as Mississippi Choctaws with any of the provisions of said article fourteen.

You are further advised that the fifteen days heretofore granted the applicants in this case within which to file arguments in support of their claim expired on January 7, 1903: on January 8, 1903, the record in the case together with the decision of the Commission was forwarded to the Secretary of the Interior. The principal applicant will be duly notified of such action as may be taken by him. Pending action by the Secretary of the Interior, in this case, the Commission cannot receive or consider further evi-

(COPY)

DEPARTMENT OF THE INTERIOR,

Land
2183-1903.

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, March 20, 1903.

The Honorable,

The Secretary of the Interior.

Sir:-

There is enclosed, herewith, a report from the present Chairman of the Commission to the Five Civilized Tribes, dated January 8, 1903, transmitting the record relative to the application of Montgomery Irve, et al., for identification as Mississippi Choctaws. Montgomery Irve applied for the identification of himself and his minor child Ophelia R. Irve.

December 23, 1902, the commission held that the applicants were not entitled to identification.

From the record it appears that the principal applicant was born of slave parents, and the commission holds in its decision that freedmen are not entitled to identification as Mississippi Choctaws.

However, the applicants claim the right to identification by reason of descent from Philip Irve, whose mother it is alleged was a full blood Choctaw Indian.

The applicants are not of the full blood, and the records of this office do not show that any one by the name of Philip Irve complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, or with the Act of March 3, 1837 and August 23, 1842.

-1-

The approval of the commission's decision in so far as it rejects the applicants, is therefore recommended.

Very respectfully,

A.C. Tonner,

Acting Commissioner.

G.A.W. (R).

(COPY)

DEPARTMENT OF THE INTERIOR.
WASHINGTON.
D.C. 14067
ITD. 2110-1903.

RAV.

May 9, 1903.

L.R.S.

Commission to the Five Civilized Tribes,
Muskogee, I.T.

Gentlemen:

January 8, 1903, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Montgomery Irve and his minor child, Ophelia Irve, including your decision of December 23, 1902, refusing the application.

The applicants claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of Philip Irve, father of principal applicant, who is alleged to have been a half blood Choctaw Indian residing in Mississippi or Alabama in 1830. Nothing is known of a more remote ancestor.

The records fail to show that the applicants were ever admitted or enrolled as citizens of the Choctaw Nation, or that said Philip Irve complied or attempted to comply with said article 14 or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513).

Reporting March 20, the Acting Commissioner of Indian Affairs recommends that the application be refused. A copy of his letter is inclosed.

Concurring in said recommendation, the application is hereby rejected.

Respectfully,

(Signed) Thos Ryan
Acting Secretary.

1 inclosure.

M.C.R. 4575

COPY.

Muskogee, Indian Territory, May 21, 1903.

Montgomery Irve,
Vaden, Mississippi.

Dear Sir:

You are hereby notified that on the 9th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Montgomery Irve, et al., of which decision you were advised by registered mail on the 23rd day of December, 1902.

Respectfully,

(SIGNED)

Tams Bixby.
Chairman.

M.C.R. 4375

COPY.

Muskogee, Indian Territory, May 21, 1903.

S. A. Beadle,
Attorney at Law,
Jackson, Mississippi.

Dear Sir:

You are hereby notified that on the 9th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Montgomery Irvin, et al., of which decision you were advised by registered mail on the 23rd day of December, 1902.

Respectfully,

(SIGNED)

Tams Bixby
Chairman.

M.C.R. 4575

COPY.

Muskogee, Indian Territory, May 21, 1903.

Mansfield, McKurray & Gernish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 9th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Montgomery Irvin, et al., of which decision you were advised by mail on the 23rd day of December, 1902.

Respectfully,

(SIGNED)

Tams Bixby
Chairman.

M.C.R. 4575

COPY.

Muskogee, Indian Territory, May 21, 1903.

A. W. Jones, Agent,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that on the 9th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Montgomery Irvin et al., of which decision you were advised by registered mail on the 23rd day of December, 1902.

Respectfully,

(SIGNED)

James Bixby
Chairman.

#1664

No. 4575

For Identification as a Mississippi Choctaw
Meridian, Miss.

Date JAN 23 1902

Name Montgomery Irve

Age 53 Blood 3/4

Post Office, Vaden, Miss.

Father: Philip Irve (1/2)

Mother: Harriet " (none)

Claims through father

Claim: for land (see record)

Children:

Ephelia Irve

18

Mother: Jane Irve
(no Choctaw blood)

Don't know

any other names

whose name is shown

P. A. Irve

Choctaw MCR 4576

Jerry Doss

See MCR 4549

MCR 4576

4576

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, January 23, 1902.

In the matter of the application of Jerry Doss Jr., for
the identification of himself and three minor children, Sarah,
Wallace and Julia Doss, as Mississippi Choctaws.

Jerry Doss, Jr., having been first duly sworn, upon his
oath testified as follows:

Examination by the Commission.

- Q What is your name? A Jerry Doss Jr.
Q How old are you? A Thirty eight.
Q How much Choctaw blood have you? A Seven eighths.
Q What's your post office address? A Starkville, Mississippi.
Q What county? A Oktibbeha County.
Q How long have you lived in Oktibbeha County? A All my days.
Q Is your father living? A Yes, sir.
Q What's his name? A Jerry Doss.
Q He has been before the Commission, has he? A Yes, sir.
Q Is your mother living? A No, sir.
Q What was her name? A Julia Doss.
Q How much Choctaw blood has your father? A Three fourths.
Q How much Choctaw blood did your mother have? A Full.
Q Do you speak or understand the Choctaw language? A Yes, sir.
Q Now, can you speak or understand that language? A The Choctaw?
Q Yes, sir? A Yes, sir, I understand some of it.
Q Do you know any single word? A No, sir.
Q Not a single word? A No, sir.
Q

(Official interpreter, Oscar Billey, called and talks to
the applicant, and he is unable to speak or understand
the Choctaw language.)

- Q What did you say you could understand it for; we have tried you
with our interpreter, and you can't understand a word. Did your
father speak or understand the Choctaw language? A No, sir.
Q Did your mother speak or understand the Choctaw language? A No,
sir.
Q How old is your father? A He is fifty five, if I aint mistaken.
Q How old would your mother be if she were living now? A She would
be sixty five, I think.
Q Have your father and mother always lived in Oktibbeha County,
Mississippi? A Yes, sir.
Q They were both slaves were they? A I don't know, sir, I was
little.
Q Didn't you ever hear whether they were slaves or not? A Yes, sir,
I heard them say they were both slaves?
Q Do you know the name of your father's father? A Yes, sir.
Q What was his name? A Jeremiah.
Q Do you know the name of your father's mother? A No, sir.
Q Which one of your father's parents had Choctaw blood? A I don't
know, sir.
Q You don't know that either one of them had Choctaw blood, do you?

Jerry Doss Jr., et al., 2.

A No, sir.

Q Do you know the name of either one of your mother parents? A No, sir.

Q Never saw either of them? A No, sir.

Q Don't know where they lived either? A No, sir.

Q Are you married? A Yes, sir.

Q Is your wife living? A Yes, sir, I have been married twice, one dead.

Q What's the name of your wife? A Priscilla Doss.

Q Has she any Choctaw blood? A No, sir.

Q You make no claim for her? A No, sir.

Q Have you any children living? A Three.

Q What are their names? A Sarah Doss.

Q How old is Sarah? A Four years old.

Q Next one? A Wallace.

Q How old? A Three years old.

Q Next one? A Julia Doss.

Q How old? A Going on two years old.

Q Are these three children living with you at this time? A Yes, sir.

Q Are they all the children of yourself and Priscilla Doss? A Yes, sir.

Q Were you married to her under a license? A Yes, sir.

Q When? A It will be four years this coming summer.

Q Where? A In Starkville.

Q Is this oldest child of yours by your present wife? A Yes, sir.

Q You stated that the child was four years old; was it born before you were married? A Yes, sir.

Q How do you know it was your child? A That's the reason I had to marry; they had me sorter in a coop.

Q Now, have you your marriage license and certificate with you at this time? A No, sir. It will be here at four o'clock this evening.

It will be necessary for you to furnish the Commission with proper evidence of your marriage to your wife, Priscilla for use in connection with the application which you make in behalf of your minor children.

Q Were you married to your first wife under a license? A No, sir, my first wife's dead.

Q How long has she been dead? A A year.

Q You got a divorce from her before you married the second time? A Yes, sir, got a divorce where she lived.

Q When did you get that divorce from her? A About three years ago.

Q You had no divorce from her when you married your second wife?

A No, sir; yes, I was divorced from my first wife before she died.

Q Now, what I want to know is this; did you, when you married your second wife, have a divorce from your first wife? A Yes, sir, I had a divorce from my first wife? A

Q How long before you married your second wife did you get this divorce from your first wife? A About three years.

Q How long have you been separated from your first wife? A This will be nine years. She left and went to Memphis, and died in Memphis, Tennessee.

Q Where did you get your divorce? A Starkville.

Jerry Doss, Jr., et al., 3.

You had better furnish the Commission with proper evidence that you did get a divorce from your first wife, for use in connection with the application you make for your minor children; try and get this evidence to the Commission within thirty days from this date.

Q What was the name of your first wife? A Henrietta.
Q When and where did you marry her? A At Starkville.
Q When? A I forget what year.
Q About when? A I forget what year; its passed my recollection; I can't give it.
Q You have no children by her? A Got a little girl fourteen years old.
Q With whom does she stay? A She stays up there above Starkville.
Q You don't want to make application for her? A No, sir.
Q What's her grand mother's name? A Named Frances Miller.
Q This application is for yourself and three minor children?
A Yes, sir.
Q Is your name to be found upon any of the Choctaw tribal rolls in Indian Territory? A Yes, sir.
Q When did you have it put on there? A No, sir, I made a mistake; I will take that back.
Q Have you ever made any application of any kind before to-day?
A No, sir, never has.
Q Do you appear before the Commission at this time for the purpose of making claiming rights in the Choctaw lands in Indian Territory under article 14 of the treaty of Dancing Rabbit Creek? A Yes, sir.
Q Do you understand the 14th article of the treaty of Dancing Rabbit Creek? A Yes, sir.

Fearing that you might not thoroughly understand it, I will quote it to you. This treaty was made here seventy-one years ago, September 27, 1830, between the United States Government and the Choctaws.

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so bysignifying his intention to the agent within six months after the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity

Jerry Doss, Jr., et al., 4.

Q That's the 14th article of the treaty of Dancing Rabbit Creek; did any of your ancestors ever comply or attempt to comply with the provisions of this 14th article, or ever receive any benefits under it? A Yes, sir.

Q What one of your ancestors did comply with the provisions of that 14th article? A Aunties?

Q Do you know what ancestors means? That means fore-fathers?

A Yes, sir.

Q Did any of them ever comply or attempt to comply with this 14th article; that is, did they ever as this 14th article said an Indian must do if he wanted to stay here and take land? A I don't know.

Q Did any of them own an improvement here in the old Choctaw Nation, in Mississippi and Alabama, in 1830, when this treaty was made?

A I don't know, sir.

Q Did any of them live here at the time? A I don't know, sir.

Q Were any of them recognized members of the Choctaw tribe of Indians here at that time? A I don't know, sir.

Q Did any of them remove from the old Choctaw Nation, here in Mississippi and Alabama, to the present Choctaw Nation in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A No, sir.

Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was made, let the agent of the Government here in Mississippi for the Choctaws know that they wanted to stay here in Mississippi and become citizens of the States and take land? A No, sir.

Q Didn't? A No, sir.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A No, sir.

Q Never did? A Never did, no sir.

Q Any of them ever get any land here in Mississippi under any other article of that treaty, or under the supplement to that treaty? A No, sir.

Q Did any of them ever get any land here in Mississippi from the Government of the United States to your knowledge? A No, sir.

Q Any of them ever get any money from the Government? A No, sir.

Q Were any of your ancestors ever recognized members of the Choctaw tribe of Indians? A I don't know, sir.

Q Any of them ever receive any benefits as such? A No, sir.

Q Any of them ever live in Indian Territory? A No, sir.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here in Mississippi and become citizens of the States and take land under that article. The records of the Government show that that agent failed to register and report to the Government the names of many Indians who did in fact let him know they wanted to stay here and become citizens of the States and take land, and on this account the Government at its public land sales here in Mississippi in many instances sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under article 14 of the treaty. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress

Jerry Doss, Jr., et al., 5.

passed an Act which was approved on the third day of March 1837, providing for the appointment of a commission to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. This commission was duly appointed by the President of the United States, and the commissioners came down here to Mississippi and heard a few of these Choctaw cases, but in the time allowed them by the Act of Congress under which they were appointed, and a later Act of Congress which was approved on the 22nd day of February 1838, providing for the continuance of this commission, they were unable to dispose of but a comparatively small number of cases. It, therefore, became necessary for Congress to make further provisions by which the remainder of these Indians might be given hearings, so another Act was passed which was approved on the 23rd day of August, 1842, providing for the appointment of another commission to come down here to Mississippi and finish up the hearing of these cases. This commission was duly appointed by the President of the United States, and the commissioners came down here to Mississippi and heard a great many more of these Choctaw cases.

Q Did any of your ancestors appear before either of these commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A I don't know, sir.

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in lieu thereof land elsewhere in Mississippi or in Alabama, Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any of this scrip from the Government of the United States under this Act of Congress?

A No, sir, never did.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, sir.

Q Have you any witnesses here to-day? A No, sir.

In case you should find any witnesses whose testimony you desire to have taken before the Commission, they may appear before the Commission at any time before the 15th of next month, here at Meridian, Mississippi, or within a

Jerry Doss Jr., et al., 6.

reasonable time thereafter at the General Office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Have you any brothers living? A Yes, sir, five.
Q What are their names? A Rob Doss.
Q Next one? A Lee Doss.
Q Next one? A John Doss.
Q Next one? A Nelson Doss.
Q Next one? A My next.
Q Have you any sisters living? A Yes, sir, got three living.
Q What are their names? A Fannie Harris; she is married.
Q Next one? A Annie Doss, she is single.
Q Next one? A Lena Doss.
Q Is she married? A No, sir, she is single.
Q Have you any brothers or sisters dead? A Yes, sir, one dead, named Mandy.
Q Did she leave any children? A Yes, sir, she left two.
Q Are those children living now? A Yes, sir.
Q What are their names? A One of them named Mattie.
Q Next one? A Mag. I can't think of the other name.
Q What's the name of the father of those children? A Jesse Askew.
Q You don't know what Mattie's husband's name is? A No.
Q Is that all of the descendants of your deceased sisters who are living? A Yes, sir, that's all.
Q Has your father any brothers or sisters living? A No, sir.
Q Any of the children of any of his brothers or sisters living? A No, sir.
Q Any of your mother's brothers or sisters, or any of their descendants living? A No, sir, all dead.

(This applicant has the features and facial expressions of a negro, though his color and hair would indicate that he might be possessed of a small proportion of white or Indian blood.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 23rd day of January, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

Subscribed and sworn to before me at Meridian, Mississippi, this 30th day of January, 1902.

R. S. Streit
L. B. Moseley
Clerk U.S. Circuit Court,
Southern District of Mississippi,

By *[Signature]*

Deputy.

H.C.R. 4574.

Huskagee, Indian Territory, August 8, 1902.

Jerry Doss Jr.,
Starkville, Mississippi,

Dear Sir:

You are hereby advised that on the 8th day of August 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Jerry Doss, et al., embracing the following applications for identification as Mississippi Choctaws:

Jerry Doss, et al.,	H.C.R. 4549
Jerry Doss Jr., et al.,	" 4574
Fannie Harris, et al.,	" 4567
Lena Doss	" 4568
Nelson Doss, et al.,	" 4551.

These applications were made under the provision of the act of Congress of June 28, 1900 (30 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Jerry

J. D. Jr. (M)

Doss, Robert Doss, Jerry Doss Jr., Sarah Doss, Wallace Doss, Julia Doss, Fannie Harris (No. 1), Walter Harris, Ellis Harris, Pinkman Harris, Fannie Harris (No. 2), Magruder Harris, Macks Harris, Ellay Harris, Aura F. Harris, Rena Doss, Nelson Doss, John Doss and Walker Doss as Cheetaw Indians entitled to rights in the Cheetaw lands under the provisions of said article fourteen of the treaty of 1820, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of the action as may be taken by him.

Yours truly,

Acting Chairman.

Registered.

M.C.R. 4576.

COPY.

Muskogee, Indian Territory, November, 7, 1902.

Jerry Doss, Jr.,

Starkville, Mississippi.

Dear Sir:

You are hereby advised that on the 24th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jerry Doss, et al., of which decision you were advised by registered mail on the 6th day of August, 1902.

Respectfully,

(SIGNED)

James Birney

Acting Chairman.

1665

No. 4576

For Identification as a Mississippi Choctaw.

Meridian, Miss

Date

JAN 23 1902

Name Jerry Doss Jr.

Age 38

Blood 7/8

Post Office, Starkville, Miss.

Father: Jerry Doss (3/4 L

Mother: Julia " (free) d

Claims through both parents.

wife Pissella Doss L
(No claim for wife)

(Claims for 3 minor
Children)

Children:

Sarah Doss 4

Wallace " 3

Julia " 1

Names of all ancestors whose names

are known are shown below.

Choctaw MCR 4577

Games Thornton

MCR 4577

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---0---

In the matter of the application of Gaines Thornton for
identification as a Mississippi Choctaw, M.C.N. 4577.

List of papers forwarded to the Secretary of the Interior
comprising the record in the case of
Gaines Thornton.

	(Page)
Original application of Gaines Thornton before the Dawes Commission for identification as a Mississippi Choctaw	1
Decision of the Commission denying the application of Gaines Thornton for identification as a Mississippi Choctaw	2

4547

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, January 23, 1902.

In the matter of the application of Gaines Thornton for
identification as a Mississippi Choctaw.

Gaines Thornton, having been first duly sworn, upon his
oath testified as follows:

Examination by the Commission.

- Q What is your name? A Gaines Thornton.
Q How old are you? A I am about fifty four years old.
Q How much Choctaw blood have you? A Well, I don't know, sir.
Q How much Choctaw blood do you think you have? A I have no idea.
Q What's your post office address? A Conehatta, Newton County, Mississippi.
Q How long have you lived in Newton County? A I have been there ever since I was 11 years old.
Q Where did you live before that? A Coosa County, Alabama, when I was a boy.
Q You were born over there, were you? A Yes, when they brought me over; I was there when I could recollect anything about it.
Q You were a slave were you? A Yes, sir.
Q Is your father living? A No, sir.
Q What was his name? A John Lightfoot.
Q Is your mother living? A No, sir.
Q What was her name? A Nancy.
Q Did your father have any Choctaw blood? A They said he did.
Q How much? A I couldn't tell you.
Q You have no idea? A No, sir.
Q Did your mother have any? A I reckon she did from what they said.
Q How much? A They said her mother was Indian.
Q A full blood Indian? A No, sir, I don't think she was.
Q How much did she have? A I don't know, sir.
Q You have no idea how much your mother has? A No, sir.
Q And consequently you haven't the least idea how much you have? A No, sir.
Q You stated that "they said your father had Indian blood and your mother had Indian blood"; now how do you explain that? A I have to go by what they tell me.
Q Who told you? A The people that knew them and knewed all about them I was raised in Newton County from a little boy up; I don't know much about my mother and father; I seen them when I was 11 years, and never seen them any more until about three years ago, my father come to this country and died in Pelahatchee; he stayed with me one year.
Q Was he a slave? A Yes, sir.
Q Your mother was a slave? A Yes, sir.
Q Do you know the name of your father's father? A No, sir.
Q Or your mother's mother? A No, sir.

Gaines Thornton, #2.

Q Don't you know what her name was? A Her name was Polly.
Q Did she have any Choctaw blood? A They said she did.
Q How much? A I don't know, sir.
Q You have no idea how much she has? A No, sir.
Q Who said she had it? A Well, just like - old people told me - them that knows, they told me so, and that's all I do know; they told me I got it in me. I don't know.
Q You wouldn't be willing to swear that you had any Choctaw blood?
A I don't know how to go at it; I might swear a heap that you don't know.
Q You wouldn't swear that you had Choctaw blood? A Not more than what I could learn from older ones than I am. You have got to see a thing, and then you can say positively that you know it.
Q Are you married? A Yes, sir.
Q Is your wife living? A Yes, sir.
Q Has she any Choctaw blood? A I think so; I say I think so; they used to tell me so, and that's all I know.
Q Could you swear that she has Choctaw blood? A No, sir.
Q You don't care, then, to make any application for her? A Well, no, sir, I couldn't say that she is.
Q Then, you don't want to make application for her? A No, sir, I am telling you the truth about it.
Q Have you any children under age? A No, sir.
Q You want to make application for yourself alone? A Yes, sir.
Q Is your name on any of the Choctaw tribal rolls in Indian Territory? A No, sir.
Q Did you ever make application to the Choctaw tribal authorities in Indian Territory to be admitted or enrolled as a member of that tribe? A No, sir.
Q Have you ever made any application of any description before today? A No, sir.
Q Do you appear before the Commission at this time for the purpose of making application - claiming rights in the Choctaw lands in Indian Territory under article 14 of the treaty of Dancing Rabbit Creek? A Yes, sir.
Q Do you understand article 14 of the treaty of Dancing Rabbit Creek? A No, sir, I don't understand it.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaws lived here in Mississippi and along the western edge of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, a part of which is now occupied by the greater portion of the Choctaw tribe of Indians, and is commonly known as the Choctaw Nation, Indian Territory. At the time this treaty was made, some of the Indians were unwilling to leave this country, and for the benefit of those who wanted to stay here, what is known as the 14th article was put in the treaty. This 14th article provided that upon certain conditions a Choctaw who wanted to stay here in Mississippi might receive land here in Mississippi from

Gaines Thornton, 3.

the Government. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you think you understand that 14th article now? A I don't know whether I do or not.

Q Well, now, you know what a treaty means? A Yes, sir, I think I do.

Q Well, it is an agreement or contract between nations? A Yes, sir.

Q Now, do you know what an article is? A No, sir.

Q An article is a part or sub-division of a treaty? A Well, that's what I sorter thought about it.

(This 14th article, as I have stated to you, was put in the treaty for the benefit of those Indians living here in 1830, who wanted to stay here and not move out to the new country. The most of the tribe were moved out there by the Government a few years after the treaty was made, but some of them wanted to stay here. That 14th article provided first if a Choctaw wanted to stay here in Mississippi he might take land in Mississippi from the Government; he must, in order to do so, let the agent of the Government here in Mississippi for the Choctaws know within six months after this treaty was ratified, and the treaty was ratified on the 24th day of February, 1831, that he wanted to stay here, and he would thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner he would be entitled to one-half that quantity for each unmarried child which was living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent; that is the land of the parent and the children must be adjacent; that reservation must also include the present improvement of the head of the family as it existed on the 27th day of September, 1830, the day the treaty was made. Now, after these reservations

Gaines Thornton, et al., 4.

had been made to the Indian, he was required by that 14th article to live on that land for five years from the day the treaty was ratified; that is, five years from February 24, 1831, or until February 24, 1836, and if he did that he was entitled to a grant in fee simple covering the land; that is, the Government would give him a deed or patent to it, conveying to him all the right, title and interest in and to the particular tract of land in question. Now, the mere fact that a Choctaw stayed here in Mississippi and took advantage of the provisions of article 14 of the treaty of Dancing Rabbit Creek, did not forfeit the privilege of a Choctaw citizen, but if he ever removed to the Indian Territory, he was not to be entitled to any portion of the Choctaw annuity. The Choctaw annuity is money paid each year to the Choctaws under treaty stipulations by the Government.

Q Now, I have explained that 14th article to you fully; do you think you understand it pretty well? A Well, I think I do.

Q Did any of your ancestors ever comply or attempt to comply with the provisions of this 14th article, or ever receive any benefits under it? That is, did they ever do what that 14th article said they must do in order to get land here in Mississippi, or did they ever get any benefits under that article? By ancestors, I mean your forefathers. Did they, or do you know? A How was it?

Q Did any of your ancestors ever comply or attempt to comply with the provisions of this 14th article, of the treaty of Dancing Rabbit Creek, or ever receive any benefits under that article? A I don't know nothing about that.

Q Did any of them own an improvement here in the old Choctaw Nation, in Mississippi and Alabama, in the year 1830, when this treaty was made? A I don't know.

Q Were any of them living here at that time? A No, sir.

Q Were any of them recognized members of the Choctaw tribe of Indians at that time? A Not that I know of.

Q Did any of them remove from the old Choctaw Nation, here in Mississippi and Alabama, to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A Well how long was that?

Q Nearly seventy years? A I don't know.

Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was made, let the agent of the Government here in Mississippi know they wanted to stay here in Mississippi and become citizens of the States and take land? A I don't know, sir.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under this 14th article of the treaty of Dancing Rabbit Creek? A I don't know.

Q Or under any other article of that treaty, or under the supplement to that treaty? A I don't know.

Q Any of them ever get any money from the Government? A I don't know, sir.

Q Were any of your ancestors ever recognized members of the Choctaw tribe of Indians? A I don't know, sir.

Q Did any of them ever receive any benefits as such? A No, sir.

Gaines Thornton, et al., 5.

Q Any of them ever live in Indian Territory? A I don't know, sir.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land; the records of the Government show that this agent failed to register and report to the Government the names of many Indians who did in fact let him know they wanted to stay here and take land, and on this account, the Government at its public land sales here in Mississippi in many instances sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under article 14 of the treaty of Dancing Rabbit Creek. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress and Congress passed an Act which was approved on the third day of March, 1837, providing for the appointment of a commission to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. This commission came down here to Mississippi and heard a few of these Choctaw cases, but in the time allowed them by the Act of Congress under which they were appointed, and a later Act of Congress which was approved on the 22nd day of February, 1838, providing for the ~~again~~ continuance of the commission, they were unable to dispose of but a comparatively small number of cases. It, therefore, became necessary for Congress to make further provisions by which the remainder of these Indians might be given hearings, so another Act was passed, which was approved on the 23rd day of August, 1842, providing for the appointment of another commission to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. This commission was duly appointed by the President of the United States and the commissioners came down here to Mississippi and heard a great many more of these cases.

Q Did any of your ancestors appear before either of these commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A I don't know.

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in lieu thereof land elsewhere in

Gaines Thornton, et al., 6.

Mississippi, or Louisiana, or Alabama, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any of this scrip from the Government of the United States under this Act of Congress? A No, sir.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, sir.

Q Have you any witnesses here to-day? A No, sir.

If you should find any witnesses whose testimony you desire to have taken by the Commission, they may appear before the Commission here at Meridian, Mississippi at any time before the 15th of next month, or within a reasonable time thereafter at the General Office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Have you any brothers living? A Yes, sir.

Q Full brothers? A Yes, sir.

Q How many? A One.

Q What's his name? A Polk Thornton.

Q Where does he live? A Yonder about Pelahatchee, Mississippi.

Q Have you any sisters living? A Not as I know of.

Q Did you ever have any? A Yes, sir.

Q How many? A I had two, one died.

Q Did she leave any children? A Never did have none.

Q Where is the other one? A She is in Alabama, I reckon.

Q What's her name? A Mollie.

Q Is she married? A Yes, sir.

Q What's her husband's name? A Jack; I don't know the other name.

Q How long since you have seen her, or heard of her? A I haven't seen Mollie, I reckon, for about five years.

Q Do you know whether she has been before the Commission? A No, sir.

Q Any of your father's brothers or sisters or any of their children living? A No, sir.

Q Any of your mother's brothers or sisters or any of their children living? A No, sir.

Q Are there any further statements you would like to make at this time? A No, sir.

Q Have you any married children living? A Yes, sir, four.

Q What are their names? A The girl is named Emma Wash, a sister to these boys.

Q The next? A Jennie Thornton.

Q Next one? A Johnnie.

Q Next one? A General.

Q That all, is it? A Yes, sir.

Q Have you any children dead? A Yes, sir.

Q Did they leave children? A No, sir.

Gaines Thornton, et al., 7.

(This applicant has the appearance of being a negro, and shows no indication of being possessed of Indian blood; he does not speak or understand the Choctaw language.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 23rd day of January, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. S. Streit

Subscribed and sworn to before me at Meridian, Mississippi, this 31st day of January, 1902.

L. B. Massey
Clerk U.S. Circuit Court,
Southern District of Mississippi,

By *[Signature]*

Deputy.

J. H. W.
C. v. W.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Gaines Thornton for
identification as a Mississippi Choctaw, H.C.R. 4877.

--- DECISION ---

It appears from the record herein that application for
identification as a Mississippi Choctaw was made to this Commission
by Gaines Thornton for himself, under the following provision of
the act of Congress approved June 28, 1906 (34 Stat., 493):

"Said Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw lands
under article fourteen of the treaty between the United States
and the Choctaw Nation, concluded September twenty-seventh,
eighteen hundred and thirty, and to that end may administer
oaths, examine witnesses and perform all other acts necessary
thereto and make report to the Secretary of the Interior."

It also appears that said applicant claims rights in the
Choctaw lands under article fourteen of the treaty between the United
States and the Choctaw Nation, concluded September twenty-seventh,
eighteen hundred and thirty, by reason of being a descendant of one

Pelly, and John Lightfoot, who are alleged to have been Choctaw Indians (degree of blood not stated).

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that said applicant has never been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stat., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Pelly, or John Lightfoot, or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 2, 1837 (5 Stat., 140) and August 22, 1842 (5 Stat., 512).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Samuel Thornton as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of

-4-
eighteen hundred and thirty, and that the application for his identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,


Acting Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

OCT 17 1902

COPY.

Muskogee, Indian Territory, November 3, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Gaines Thornton, an applicant to the Commission for identification as a Mississippi Choctaw, including the decision of the Commission of October 17, 1902.

The Commission has the honor to report that the applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Tamc Dixby.
Acting Chairman.

Through the Commissioner
of Indian Affairs.

Enc.: M.C.R.4577.

M O R 4577

COPY

Muskogee, Indian Territory, October 17, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 17th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Gaines Thornton, an applicant to the Commission for identification as a Mississippi Choctaw.

This application was made under the provision of the act of Congress of June 28, 1898, (30 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Gaines Thornton as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for his identification as such should be refused, and it is so ordered."

You are further advised that the applicant in this case has been allowed fifteen days from the date hereof within which to

M. M. & O-----

file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(S)

Acting Chairman.

COPY.

M O R 4577

Muskogee, Indian Territory, October 17, 1902.

Gaines Thornton,
Conehatta, Mississippi.

Dear Sir:

You are hereby advised that on the 17th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Gaines Thornton, an applicant to the Commission for identification as a Mississippi Choctaw.

This application was made under the provision of the act of Congress of June 26, 1896, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, so concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Gaines Thornton as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for his identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this

G T—3

office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Acting Chairman.

Registered.

(COPY)

Land.
67,600-1902.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington, Jan. 24, 1903.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to submit, herewith, for your consideration, the record of the Commission to the Five Civilized Tribes in the matter of the application for identification as a Mississippi Choctaw by Gaines Thornton for himself, wherein a decision adverse to the applicant was rendered by the commission on October 17, 1902.

The testimony in this case shows that the applicant bases his claim to identification as a Mississippi Choctaw under this application because of his descent from John Lightfoot and Pelly. He claims that his ancestors were Choctaw Indians and residents of the Choctaw Nation, in Mississippi, at the time of the making of the Choctaw treaty of 1830.

The commission rejected the applicant because the names of his ancestors through whom he claims did not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and for the additional reason that the applicant had never been enrolled as a citizen of the Choctaw Nation.

-2-

An examination has been made of the records of this office with reference to the names of John Lightfoot and Polly and it is discovered that their names do not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

This being the case it is evident that the decision of the commission rejecting the applicant was correct, and I concur in that finding and recommend that it be approved.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

(H.B.H.)

P.

D.C.No.4569-1903.

(COPY)

DEPARTMENT OF THE INTERIOR.
Washington.

RAF.

ITD.1024-1903.
L R S

February 11, 1903.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

November 3, 1902, you transmitted the record in the matter of the application of Gaines Thornton for identification as a Mississippi Choctaw, including your decision of October 17, 1902, adverse to the applicant.

The applicant claims rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendant of one Polly, and John Lightfoot, who are alleged to have been Choctaw Indians.

The records fail to show that the applicant was ever admitted or enrolled as a citizen of the Choctaw Nation, or that any one of their alleged ancestors complied or attempted to comply with said article 14, or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513).

Reporting in the matter January 24, 1903, the Acting Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

The Department, upon careful examination of the record, finds no reason to disturb your decision and hereby affirms the same.

Respectfully,

(Signed) Thos. Ryan,

Acting Secretary.

1 inclosure.

M.C.R. 4577

2027.

Muskogee, Indian Territory, February 24, 1903.

Gaines Thornton,

Coshhatta, Mississippi.

Dear Sir:

You are hereby notified that on the 11th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing your application for identification as a Mississippi Choctaw, of which decision you were advised by registered mail on the 17th day of October, 1902.

Respectfully,

Tamie Bixby
Chairman.

M.C.R. 4577

COPY

Muskogee, Indian Territory, February 24, 1903.

Mansfield, McKimray & Gerniah,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 11th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as a Mississippi Choctaw of Gaines Thornton, of which decision you were advised by mail on the 17th day of October, 1902.

Respectfully,

Tame Pi-cho
Chairman.

17666

No. 4577

For Identification as a Mississippi Choctaw.
Meridian, Miss.

Date JAN 13 1902

Name *Gaines Thornton*

Age *54* Blood *Low Blood*

Post Office, *Conehatta, Miss.*

Father: *John Lightfoot* d

Mother: *Nancy* d

Claims through both parents.

(Claims for self only.)

Children:

Mother's Mother *Polly* ?

Choctaw MCR 4578

Newton Huddleston

See MCR 4550, 4590, 4579

MCR 4578

**MEMORANDUM OF THE SECRETARY,
SUBMITTED TO THE PRESIDENT OF THE UNITED STATES.**

In the matter of the application of Boston Reddickson, et al., for identification as missing persons, submitted to the application of the

Boston Reddickson, et al., N.Y. 100
 et al., N.Y. 100
 et al., N.Y. 100
 et al., N.Y. 100

List of papers
 forwarded to the Secretary of the Interior, with the record in the
 above case, together with the page occupied by each
 in said record.

	Page
Original application of Boston Reddickson, et al., before the House Committee for Identification as Missing Persons.....	1
Original application of Sam West, et al., before the House Committee for Identification as Missing Persons.....	8
Working record between Boston Union and Agents.....	15
Original application of William J. Jones, et al., before the House Committee for Identification as Missing Persons.....	24
Working record of Peter West.....	25
Original application of Sam West, et al., before the House Committee for Identification as Missing Persons.....	28
Working records of Sam West and Bill.....	30
Working record of the Committee regarding the case of Boston Reddickson, et al., for identification as missing persons.....	30

4578

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, January 23, 1902.

In the matter of the application of Newton Huddleston
for the identification of himself and four minor children, Mary,
James V. Victoria and Henry Clay, as Mississippi Choctaws.

Newton Huddleston, having been first duly sworn, upon his
oath testified as follows:

Examination by the Commission.

Q What is your name? A Newton Huddleston.
Q How old are you? A I am about thirty five years old.
Q How much Choctaw blood have you? A My mother was a half.
Q And your father had none? A My father was mixed with something;
he was a yellow fellow, but my mother was half.
Q You claim to be a quarter Choctaw, then? A Her mother --
Q You claim to be a quarter Choctaw? A One quarter, I reckon.
Q Your father had no Choctaw blood that you know of? A I am not
certain about it.
Q What's your post office address? A Conchatta, Mississippi.
Q Newton County, Mississippi? A Yes, sir.
Q How long have you lived in Newton County? A Raised there.
Q Been there all your life have you? A Yes, sir; of course, I
have been gone a little while at a time.
Q Is your father living? A No, sir. He is dead.
Q What was his name? A Green Huddleston.
Q Is your mother living? A No, sir, she's dead.
Q What was her name? A Mary.
Q How long has she been dead? A She has been dead about sixteen
years.
Q How long has your father been dead? A He has been dead according
to what I heard - of course, my mother and him - she was married
the second time, and I have just got half brothers and sisters; I
aint got nary other whole brother or sister by my father's side;
he has been dead about twenty years.
Q Through which one of your parents do you derive your Choctaw
blood? A My mother.
Q How much Choctaw blood did your mother have? A She was a half;
maybe she was three quarters; her mother was part Choctaw; my
mother's mother - my grand mother on her side.
Q She was part Choctaw, was she? A Yes, sir.
Q Well, was your mother a slave? Yes, sir.
Q And your father was a slave? A Yes, sir.
Q Do you speak or understand the Choctaw language? A No, sir.
Q Did your mother? A No, sir, I think not.
Q Now, through which one of her parents did your mother derive
her Choctaw blood? A Her father. Her father was full blood they
said. You know, I never did see her father.
Q What was his name? A I don't know what his name was, but she had
hair just like, and features just alike.

Newton Huddleston, et al., 2.

Q Do you know the name of your mother's mother? A Yes, sir, Nancy.
Q She had no Choctaw blood? A They say she was mixed too.
Q Did you ever see her? A Yes, sir.
Q Do you know whether she had any Choctaw blood, or not? A No, sir.
Q Did she speak or understand the Choctaw language? A I don't know whether she did or not; she didn't talk that way.
Q Where does she live? A She don't live very far from where we live now; she is an old lady, but she lives near.
Q How old is she? A About seventy five years old.
Q How old would your mother be if she were living now? A I expect she would be somewhere near fifty maybe.
Q Did she always live here in Mississippi - your mother? A Yes, sir.
Q Did her father and mother always live here? A Yes, sir.
Q Were your mother's father and mother both slaves? A Yes, sir, except my mother's father; he was an Indian; he wasn't a slave, but her mother was a slave.
Q How did you ever hear he was a full blood Indian - your mother's father? A I have just heard her say so, and her mother; of course, her mother is living yet, and then, her looks you know, features every way.
Q Were your mother's mother and this Indian married? A I don't know, sir, I don't think they were. I don't know, sir, about that.
Q Didn't have any other children by them except your mother? A No, sir, she had several other children, but she never had nary other whole brother or sister in the whole crowd.
Q She was the only one of your mother's mother's children by that Indian? A Yes, sir.
Q Did your mother's mother have any other husband? A Yes, sir, after that she married; I reckon you read of it how they used to marry. After that she married a colored fellow and had some children by him; they died.
Q So far as you know, all of your Choctaw ancestors have lived here in Mississippi, have they? A Yes, sir.
Q Are you married? A Yes, sir.
Q Is your wife living? A Yes, sir.
Q What's her name? A Name Laura.
Q Has she any Choctaw blood? A Not that I know of.
Q You make no claim for her? A No, sir.
Q Have you any children for whom you want to make application?
A Yes, sir, four.
Q What are their names and ages? A Mamy, she is about six years old
Q Next one? A The next one is named James V.; he is nearly five years old; he is four.
Q Next one? A The next one is named Victoria.
Q Is that a girl? A Yes, sir, she's about three years old.
Q Next one? A The next one's named Henry Clay; he is about two months old.
Q These children all living with you at this time? A Yes, sir.
Q Are they all the children of yourself and your wife, Laura? A Yes, sir.
Q Were you married to her under a license? A Yes, sir.
Q When were you married to her? A I was married seven years ago.
Q Where? A In Conehatta; got license at Decatur, Newton County.
Q Who married you? A A fellow by the name of Captain Fossett; a white fellow; he left there last year and went to Laurel over here.

Newton Huddleston, et al., 3.

Q What official position did he hold at that time? A He was a justice at that time; he was brought back there a few days ago dead.
Q Have you your marriage license and certificate with you at this time? A No, sir.

It will be necessary for you to furnish the Commission with proper evidence of your marriage to your wife, Laura, to be used in connection with the application which you make in behalf of your minor children. The Commission would be glad to have you file such evidence within thirty days from this date, if possible.

Q Have you been married more than once? A No, sir.
Q Has your wife been married more than once? A No, sir.
Q This application is for yourself and four minor children; is that correct? A Yes, sir.
Q Is your name to be found upon any of the Choctaw tribal rolls in Indian Territory? A No, sir, if it is I don't know how come it there.
Q Did you ever make application to the Choctaw tribal authorities in Indian Territory to be admitted or enrolled as a member of that tribe? A No, sir.
Q Have you ever made any application of any description before to-day for yourself or any of these children? A No, sir.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and four minor children under article 14 of the treaty of Dancing Rabbit Creek? A Yes, sir.
Q Do you understand article 14 of the treaty of Dancing Rabbit Creek? A I don't know, sir, whether I do or not.
Q You have heard it explained here several times to-day, have you not? A Yes, sir, I ought to.
Q Well, do you understand it? A Yes, sir, I reckon I do.

Fearing that you might not clearly understand it, I will quote it. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said land, intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled

Newton Huddleston, et al., 4.

to any portion of the Choctaw annuity."

Q That's the 14th article of the treaty of Dancing Rabbit Creek. Did any of your ancestors ever comply or attempt to comply with its provisions, or ever receive any benefits under that 14th article?

A No, sir, none that I know of.

Q Did any of them own an improvement here in the old Choctaw Nation, in Mississippi and Alabama, in the year 1830, when this treaty was made? A Not that I know of.

Q Did any of them, in fact, live here at that time? A Yes, sir, I guess they did.

Q Which one of your people lived here seventy one years ago? A I reckon some of the older heads were here.

Q You don't know the name of any one that was here, that you know of? A No, sir, grand mother was here; she was seventy five years old.

Q I am speaking of your Choctaw ancestors? A No, sir, I don't know sir, I don't suppose they was.

Q Were any of them recognized members of the Choctaw tribe of Indians at that time, any of your people? A Not that I know of.

Q Did any of them remove from the old Choctaw Nation, here in Mississippi and Alabama, to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A I don't know, sir.

Q Did any of them, within six months, after the treaty of Dancing Rabbit Creek was made, let the agent of the Government here in Mississippi for the Choctaws know that they wanted to stay here in Mississippi and become citizens of the States and take land? A I don't know, sir.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A No, sir, not that I knows of.

Q Any of them ever get any land here in Mississippi under any other article of that treaty, or under the supplement to that treaty? A No, sir, not that I knows of.

Q Did any of them ever get any money from the Government? A No, sir, none that I ever heard of.

Q Were any of them ever recognized members of the Choctaw tribe of Indians, so far as you know? A No, sir, I don't believe they did.

Q Did any of them ever receive any benefits as Choctaw Indians? A No, sir, not that I know of.

Q Did any of them ever live in Indian Territory? A No, sir, none that ever I knowed didn't.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here in Mississippi and become citizens of the States and take land. The records of the Government show that this agent failed to register and report to the Government the names of many Indians who did, in fact, let him know they wanted to stay here and become citizens of the States

Newton Huddleston, et al., 5.

and take land, and on this account, the Government at its public land sales here in Mississippi, in many instances, sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under article 14 of the treaty. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed an Act which was approved on the third day of March, 1837, providing for the appointment of a commission to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. This commission was duly appointed by the President of the United States and the commissioners came down here to Mississippi and heard a few of these Choctaw cases, but in the time allowed them by the Act of Congress under which they were appointed, and a later Act of Congress which was approved on the 22nd day of February, 1838, providing for the continuance of this commission, they were unable to dispose of but a comparatively small number of cases. It, therefore, became necessary for Congress to make further provisions by which the remainder of these Indians might be given hearings, so another Act was passed which was approved on the 23rd day of August, 1842, providing for the appointment of another commission to come down here to Mississippi and finish up the hearing of these cases. This commission was duly appointed by the President of the United States and the commissioners came down here to Mississippi in the forties and heard a great many of these Indian cases.

Q Did any of your ancestors appear before either of these commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A No, sir, not that I know of.

Q

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in lieu thereof land elsewhere in Mississippi, or in Alabama, Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this Act of Congress? A No, sir, not that I know of.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, sir, none that I know of.

Newton Huddleston, et al., 6.

Q Have you any witnesses here to-day to testify in your case?
A No, sir, I aint got anybody; I have got a brother back there.
Q He wants to make application, does he? A Yes, sir.

In case you should find any witnesses whose testimony you desire to have taken by the Commission, they may appear before the Commission here at Meridian, Mississippi, at any time before the 15th of next month, or within a reasonable time thereafter at the General office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Have you any brothers living? A Yes, sir.
Q How many? A They are all half brothers; they have all got the same mother.
Q By the same mother? A Yes, sir.
Q What are their names? A Jacob; he is here.
Q What is Jacob's other name? A Wash.
Q Next one? A William Wash.
Q Next one? A George Wash.
Q Next one? A Benton Wash. He has been here and I have 2 sisters.
Q What are their names? A Nancy Wash and Matilda Wash.
Q Neither of them are married? A Yes, sir, they are all married.
Q What are their husbands' names? A Willie is named Emma; the girls you mean?
Q Yes, sir? A One is named Frank Caples.
Q Is the husband of who? A Of Nancy, and Noah Johnson is the husband of Matilda.
Q All of these brothers and sisters have the same mother? A Yes, sir.
Q Have you any brothers or sisters dead? A Yes, sir.
Q How many? A I have got three dead, three brothers and one sister - two brothers and one sister; three dead.
Q Any of them leave descendants? A No, sir.
Q Are any of your mother's brothers or sisters, or any of their children living? A Yes, sir, but she has got nary whole brother or sister, not on the Choctaw side; you see her mother married another man after she was born, and he was a black man, I don't reckon he has any Choctaw blood about him.
Q She has no full brothers or sisters living? A No, sir.
Q Never did have any full brothers or sisters? A No, sir, none that I know of.

(This applicant has the appearance of being a negro, and shows no indication of being possessed of Indian blood, and does not speak or understand the Choctaw language.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 23rd day of January, 1902, and that the above

Newton Huddleston, et al., 7.

and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. J. Street

Subscribed and sworn to before me at Meridian, Mississippi,
this 31st day of January, 1902.

L. B. Mosely,
Clerk U. S. Circuit Court,
Southern District of Mississippi,

By

John

Deputy.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Civil

In the matter of the application of Newton Huddleston, et al., for identification as Mississippi Cheatees, consolidating the applications of-

Newton Huddleston, et al	M.C.R. 4578
Ben Wash, et al	" 4580
Matilda Johnson, et al	" 4580
Jacob Wash, et al	" 4579

—: D E C I S I O N :—

It appears from the record herein that applications for identification as Mississippi Cheatees were made to this Commission by Newton Huddleston for himself and his four minor children, Mary, James V., Victoria and Henry Clay Huddleston; by Ben Wash for himself and his four minor children, Mary, Sylvester, Fannie and William Wash; by Matilda Johnson for herself and her six minor children, Mary, Willie, Nels, Jacob, Betty and Rebecca Johnson, and by Jacob Wash for himself and his two minor children, Phyllis and Coyt M. Wash, under the following provision of the Act of Congress approved June 24, 1906 (34 Stat., 408):

Said Commission shall have authority to investigate the

identity of Chectaw Indians claiming rights in the Chectaw lands under article fourteen of the treaty between the United States and the Chectaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Chectaw lands under article fourteen of the treaty between the United States and the Chectaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Nancy Boyd, who is alleged to have been possessed of Chectaw blood (degree thereof not stated) and to have resided in Mississippi in eighteen hundred and thirty, and Mary Wash (nee Boyd), who is alleged to have been a half blood Chectaw Indian.


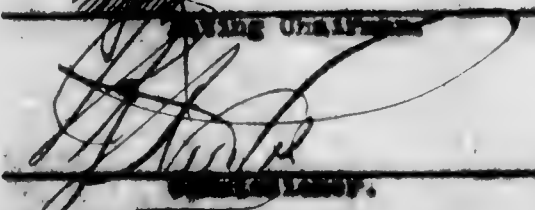

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Chectaw tribal authorities as a member of the Chectaw tribe, or admitted to Chectaw citizenship by a duly constituted court or committee of the Chectaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stat., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Nancy Boyd, or Mary Wash (nee

Boyd), signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Chectaw Agency, an intention to comply with the provisions of said article fourteen or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 25, 1848 (5 Stats., 823).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Newton Huddleston, Mary Huddleston, James V. Huddleston, Victoria Huddleston, Henry Clay Huddleston, Ben Wash, Mary Wash, Sylvester Wash, Fannie Wash, William Wash, Matilda Johnson, Mary Johnson, Willie Johnson, Mela Johnson, Jacob Johnson, Bobby Johnson, Rebecca Johnson, Jacob Wash, Philip Wash and Coyt M. Wash, as Chectaw Indians entitled to rights in the Chectaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,


Acting Chairman

Commissioner

C. R. Peckinpaugh
Commissioner

Muskogee, Indian Territory,

OCT 14 1902

M C R 4578

Muskogee, Indian Territory, February 6, 1902.

Guy L. V. Emerson,
Clerk in Charge,
Meridian, Mississippi.

Dear Sir:

Referring to your No. 1667, our No. 4578, heard at Meridian, Mississippi, January 28, 1901, Newton Ruddleston, et al., the name of the third child as it appears in the caption of the application is Miela while in the testimony the name of the third child is given as Victoria.

Have Mr. Streitt, the stenographer who took the testimony in this case, examine his notes and ascertain whether the correct name of this child is Miela or Victoria.

Yours truly,

Commissioner in Charge.

COPY.

M.C.R. 4578.

Huskogee, Indian Territory October 14, 1902.

Newton Huddleston,
Conchatta, Mississippi.

Dear Sir:-

You are hereby advised that on the 14th day of October 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Newton Huddleston, et al., embracing the following applications for identification as Mississippi Choctaws:

Newton Huddleston, et al.,	M.C.R. 4578
Ben Wash, et al.,	M.C.R. 4580
Matilda Johnson, et al.,	M.C.R. 4590
Jacob Wash, et al.,	M.C.R. 4579.

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Newton Huddleston, Mary Huddleston, James V. Huddleston, Victoria Huddleston, Henry Clay Huddleston, Ben Wash, Mary Wash, Sylvester Wash, Fannie Wash, William Wash, Matilda Johnson, Mary Johnson, Willie

M. H. -2

Johnson, Nola Johnson, Jacob Johnson, Hobby Johnson, Rebecca Johnson, Jacob Wash, Philip Wash and Coyt M. Wash, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

T. D. McCallie

Commissioner in Charge.

Registered.

M.C.R. 4578.

Muskogee, Indian Territory October 14, 1902.

Messrs. Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 14th day of October 1902 the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Newton Huddleston, et al., embracing the following applications for identification as Mississippi Choctaws:

Newton Huddleston, et al.,	M.C.R. 4578
Ben Wash, et al.,	M.C.R. 4550
Matilda Johnson, et al.,	M.C.R. 4590
Jacob Wash, et al.,	M.C.R. 4579.

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Newton Huddleston, Mary Huddleston, James V. Huddleston, Victoria Huddleston, Henry Clay Huddleston, Ben Wash, Mary Wash, Sylvester Wash, Fannie Wash, William Wash, Matilda Johnson, Mary Johnson, Willie

W. No. & C. ---2

Johnson, Wela Johnson, Jacob Johnson, Bobby Johnson, Rebecca Johnson, Jacob Wash, Philip Wash and Geyt M. Wash, as Cheetaw Indians entitled to rights in the Cheetaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

T. D. J. Goodrich.

Commissioner in Charge.

COPY.

M.C.R. 4578.

Muskogee, Indian Territory October 30, 1902.

The Honorable,

The Secretary of the Interior.

Sir:-

There is transmitted herewith the record in the consolidated case of Newton Huddleston, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 14, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

Newton Huddleston, et al.,	M.C.R. 4578
Ben Wash, et al.,	M.C.R. 4650
Matilda Johnson, et al.,	M.C.R. 4590
Jacob Wash, et al.,	M.C.R. 4579.

The Commission has the honor to report that the principal applicants in the several separate applications and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED)

Tamm Lacey.

Acting Chairman.

Through the Commissioner
of Indian Affairs.
1 enclosure.

COPY

Department of the Interior,

Land.
65,303-1902.

Office of Indian Affairs,

Washington. Dec. 4, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to submit, herewith, for your consideration the record of the Commission to the Five Civilized Tribes in the matter of the consolidated application for identification as Mississippi Choctaws of the following parties: Newton Huddleston for himself and his four minor children, Mary, James V., Victoria and Henry Clay Huddleston; Ben Wash for himself and his four minor children, Mary, Sylvester, Fannie and William Wash; Matilda Johnson for herself and her six minor children, Mary, Willie, Nola, Jacob, Bobby and Rebecca Johnson, and Jacob Wash for himself and his two minor children, Philip and Coyte M. Wash, wherein a decision adverse to the applicants was rendered by the commission on October 14, 1902:

The testimony in this case shows that the parties base their claims to identification as Mississippi Choctaws under this application because of their descent from..... name unknown, Indian husband of Nancy Boyd, a slave and from Mary Wash, daughter of..... Indian name unknown, and Nancy Boyd, also a slave, who, they claim, were Choctaw Indians and residents of the Choctaw Nation, in Mississippi, at the time of the making of the Choctaw treaty of 1830.

-2-

The commission rejected these parties because their names did not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

An examination has been made of the records of this office with reference to the names of the parties from whom these applicants claim descent, and it is discovered that their names do not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

This being the case it is evident that the decision of the commission rejecting the applicants was correct, and I concur in that finding and recommend that it be approved.

Very respectfully,

W.A. Jones,

Commissioner.

(E.B.H.)

D.C. 24472

COPY

J.W.H.

DEPARTMENT OF THE INTERIOR.

THE

I.T.D. 7477-1902.
File 896-1898

WASHINGTON.

LRS

December 9, 1902.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

October 30, 1902, you transmitted the record in the consolidated case embracing the applications for identification as Mississippi Choctaws of Newton Huddleston (M.C.R. 4578) for himself and his four minor children, Mary, James V., Victoria and Henry Clay Huddleston; of Ben Wash for himself and his four minor children, Mary, Sylvester, Fannie and William Wash; of Matilda Johnson for herself and her six minor children, Mary, Willie, Ned, Jacob, Bobby and Rebecca Johnson, and of Jacob Wash for himself and his two minor children, Philip, and Coyt M. Wash, including your decision of October 14, 1902, refusing to identify them as such.

These applicants are of African Descent. Their mother Mary Wash, formerly Mary Huddleston, nee Boyd, was a slave. It is alleged that her father whose name is unknown was a full blood Choctaw, and that her mother, Nancy Boyd, was of "Mixed" blood, probably being part Choctaw and part African.

Claiming identification as Mississippi Choctaws, it was incumbent upon these applicants to show that they, or

some one of their alleged ancestors, in person or by proxy, complied or attempted to comply with the provisions of article 14 of the treaty of 1830, or with the acts of March 3, 1837 (5 Stat., 180) and of August 23, 1842 (5 Stat., 513) relating thereto. This they have failed to do. The records in the possession of the Indian Office fail to show that any person whatever bearing the name of any of the alleged ancestors was, or was entitled to be, a beneficiary under said article or acts. It must therefore be held that these applicants have failed to establish their claims.

Reporting in the matter December 4, 1902 the Commissioner of Indian Affairs recommends that your action be approved. The Department concurs therein and your decision is accordingly affirmed. A copy of the Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure

M.C.R. 4570

COPY.

Muskogee, Indian Territory, December 23, 1902

Newton Huddleston,

Conehatta, Mississippi.

Dear Sir:

You are hereby notified that on the 9th day of December, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Newton Huddleston, et al., of which decision you were advised by registered mail on the 14th day of October, 1902.

Respectfully,

SIGNED:

James Dixie
Acting Chairman.

M.C.R. 4578

COPY

Muskogee, Indian Territory, December 22, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 9th day of December, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Newton Huddleston, et al., of which decision you were advised by mail on the 14th day of October, 1902.

Respectfully,

James B. Davis
Acting Chairman.

Consolidated Case
of
Newton Huddleston & Co.

RE

M.C.

4578

Nancy Boyd ^{78(?)}
^{1/2(?) 80(?)}
~~dead~~
~~slave~~
lived with

~~Boyd f.t.~~
(slave?)

Mary Boyd 46(?) ^{1/2}
slave - dead

married

①

Green Huddleston
- slave - dead

② Peter Wash
- slave -

mem
4578

Newton Huddleston 35 ^{1/4}

wife

Laura Huddleston

mem
4578

Mammy Huddleston 6

" James V. " 4

" Victoria " 3

" Henry Clay " 2m

mem
4550

Ben Wash 23 ^{1/4}

wife

Mary Wash

mem
4550

Mary Wash 4

" Sylvester " 3

" Fannie " 1

" William " 3wks

mem
4590

Matilda Wash 28 ^{1/4}

married

Noah Johnson

mem
4590

Mary Johnson 9

" Willie " 7

" Nola " 6

" Jacob " 4

" Bobby " 3

" Rebecca " 8m

mem
4579

Jacob Wash 25 ^{1/4}

married

Belle Martin

mem
4579

Philip Wash 3

" Coyt B. " 1

Nancy $\frac{1}{2}(?)$ 80(?)
slave dead
married
— Boyd J.B.

Mary Boyd $\frac{1}{2}(?)$ $\frac{1}{2}$
married dead

- ① Green Huddleston
- ② Peter Wash
slave

George Wash

William Wash

Nancy Wash
mar
Frank Caples

No. 4578

For Identification as a Mississippi Choctaw.
Meridian, Miss.

JAN 23 1902

Date

Name Newton Huddleston

Age 35 Blood $\frac{1}{4}$

Post Office, Conehatta, Miss.

Father: Green Huddleston

Mother: Mary " ($\frac{1}{2}$)

Claims through mother

wife - Laura Huddleston

(No claim for her)

(Claims for self and children)

Children:

Mary Huddleston 6

James V. " 4

Victoria " 3

Henry C. " 2 mo

(Names of all ancestors whose names are known
are shown hereon)

Choctaw MCR 4579

Jacob Wash

See MCR 4578

MCR 4579

4579

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, January 23, 1902.

In the matter of the application of Jacob Wash for the identification of himself and two minor children, Philip and Coyt M/, as Mississippi Choctaws.

Jacob Wash, having been first duly sworn, upon his oath testified as follows:

Examination by the Commission.

- Q What is your name? A Jacob Wash.
Q How old are you? A Twenty five.
Q How much Choctaw blood have you A Well, I don't know, sir, about three quarters, I reckon.
Q What's your post office address? A Gail, Scott County.
Q How long have you lived in Scott County, Mississippi? A Been in Scott County about ten years.
Q Where did you live before that? A In Newton County all my life up until I moved to Scott County.
Q Is your father living? A Yes, sir.
Q What's his name? A Peter Wash.
Q Your mother living? A No, sir.
Q What was her name? A Mary Wash.
Q Through which one of your parents do you derive your Choctaw blood? A Mother.
Q Father has no Choctaw blood? A No, sir, not that I knows of.
Q How much Choctaw blood did your mother have? A She was half Choctaw. Her father was a full blood Choctaw.
Q If your father has no Choctaw blood, and your mother had only one half, how can you figure it out that you had three quarters? A I said I reckoned I had that much.
Q As a matter of fact, you would only have one quarter, if your mother was only a half and your father had none? A Yes, sir.
Q That would make you one quarter wouldn't it? A Yes, sir.
Q Were your father and mother both slaves? A Yes, sir.
Q How long has your mother been dead? A I don't know, sir, I think about fifteen or sixteen years.
Q Where did she live during her life time? A In Newton County.
Q Did she speak or understand the Choctaw language? A No, sir, not as I knows of.
Q Do you? A No, sir.
Q How old would your mother be if she were living now? A About fifty years old, I reckon.
Q Through which one of her parents did she get her Choctaw blood?
A I don't know, sir, her father was a Choctaw.
Q Was he a full blood Choctaw Indian? A Yes, sir.
Q Did you ever see him? A No, sir.
Q Where did he live during his life time? A I don't know, sir.
Q You know nothing whatever about him? A No, sir, no more than what I have heard.
Q What have you heard? A That he was a Choctaw.
Q When did you hear that? A Well, I have heard her say so, and my father and my uncle.

Jacob Wash, et al., 2.

Q He was a full blood Choctaw? A Yes, sir, her father was.
Q Didn't you hear what his name was when you heard that he was a full blood Choctaw? A No, sir.
Q Could he speak or understand the Choctaw language? A Yes, sir, I reckon he could; I know he could.
Q Do you know how old he would be if he were living now? A No, sir.
Q Are you married? A Yes, sir.
Q What's the name of your wife? A Belle.
Q Has she any Choctaw blood? A No, sir, not as I knows of.
Q You make no claim for her? A No, sir.
Q Have you any children living? A Yes, sir.
Q How many? A Two.
Q What are their names and ages? A Philip Wash.
Q How old is Philip? A He is three years old.
Q Next one? A Coyt M.
Q Is he a boy? A Yes, sir.
Q How old? A He is a year old.
Q These children both living with you at this time? A Yes, sir.
Q Are they both the children of yourself and Belle Wash? A Yes, sir.
Q Were you married to her under a license? A Yes, sir.
Q When were you married to her? A Four years ago.
Q Where? A In Scott County.
Q Who married you? A Elder Anderson.
Q A Preacher? A Yes, sir.
Q Have you your license and certificate with you at this time? A Yes sir.

The certificate of Rev. J.A. Anderson, that he did, on the third day of February, 1898, join in the holy state of matrimony, Jacob Wash and Belle Watis, offered in evidence, identified as Exhibit "A", filed, and made a part of the record in this case.

Q You haven't your license with you? A No, sir.
Q This is your certificate? A Yes, sir.

If you can, you had better get your original marriage license and send to the Commission. Send it within a period of thirty days from this date.

Q This application is for yourself and two minor children; is that correct? A Yes, sir.
Q Is your name on any of the Choctaw tribal rolls in Indian Territory? A No, sir.
Q Did you ever make application to the Choctaw tribal authorities in Indian Territory to be admitted or enrolled as a member of that tribe? A No, sir.
Q Did any one else ever make such an application for you? A No, sir.
Q Have you ever made any application of any description before to-day for yourself or either of these children? A No, sir.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and two minor children under article 14 of the treaty of Dancing Rabbit Creek? A Yes, sir.
Q Do you understand that 14th article of the treaty of Dancing Rabbit Creek? A No, sir.

Jacob Wash, et al., 3.

This treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, a part of which is now occupied by the greater portion of the Choctaw tribe of Indians, and is commonly known as the Choctaw Nation, Indian Territory. At the time the treaty was made, some of the Indian were unwilling to leave this country, and for the benefit of those who preferred to stay here, what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions, a Choctaw who preferred to stay here in Mississippi might receive land here in Mississippi from the Government of the United States. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you understand that 14th article now? A Yes, sir.
- Q Did any of your ancestors ever comply or attempt to comply with its provisions, or ever receive any benefits under that 14th article? A No, sir, none that I knows of.
- Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama, in the year 1830, when this treaty was made? A Not as I knows of.
- Q Did any of them live here at the time this treaty was made? A Not as I knows of.
- Q Did any of your ancestors remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A Not as I knows of.
- Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in

Jacob Wash, et al., 4.

Mississippi for the Choctaws know that they wanted to stay here in Mississippi and become citizens of the States and take land?

A Not as I knows of.

Q Did any of your ancestors ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A Not as I knows of.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under any other article of that treaty, or under the supplement to that treaty? A Not as I knows of.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States to your knowledge? A Not as I knows of.

Q Did any of them ever get any money from the Government? A No, sir, not as I knows of.

Q Were any of them ever recognized members of the Choctaw tribe of Indians? A Not as I knows of.

Q Did any of them ever receive any benefits as such? A No, sir.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this agent failed to register and report to the Government the names of many Indians who did in fact let him know they wanted to stay here and take land and become citizens of the States, and on this account the Government at its public land sales here in Mississippi in many instances sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under article 14 of the treaty. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed an Act which was approved on the third day of March, 1837, providing for the appointment of a commission to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. This commission was duly appointed by the President of the United States and the commissioners came down here to Mississippi and heard a few of these Choctaw cases, but in the time allowed them by the Act of Congress under which they were appointed and a later Act of Congress which was approved on the 22nd day of February 1838, providing for the continuance of this commission, they were unable to dispose of but a comparatively small number of cases. It, therefore, became necessary for Congress to make further provision by which the remainder of these Indians might be given land. Another Act was passed which was approved on the 20th day of August, 1842, providing for the appointment of another commission to come down here to Mississippi and finish the hearing of these cases. This commission was duly appointed by the President of the United States and the commissioners came down

Jacob Wash, et al., 5.

here to Mississippi in the forties and heard a great many more of these cases.

Q Did any of your ancestors appear before either of these commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A No, sir, not as I know of.

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in lieu thereof land elsewhere in Mississippi, or in Alabama, or Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any of this scrip from the Government of the United States under this Act of Congress? A No, sir, not as I know of.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, sir, not as I know of.

Q Have you any witnesses here to-day? A None but my brother.

Q Your brother is an applicant, Newton Huddleston? A Yes, sir.

Q He is your half brother by the same mother? A Yes, sir.

Q You mean that you want his testimony considered in your case?

A Yes, sir.

If you should find any witnesses whose testimony you desire to have taken by the Commission, they may appear before the Commission here at Meridian, Mississippi, at any time before the 15 of next month, or within a reasonable time thereafter at the General Office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Have you any brothers or sisters living? A Yes, sir.

Q How many full brothers? A Five.

Q Name them? A Willie Wash.

Q Next one? A George Wash.

Q Next one? A Ben Wash.

Q Next one? A That's all of my brothers.

Q Now, your sisters, what are their names? A Matilda Johnson and Nancy Caples.

Q Have you named all of your full brothers and sisters who are living? A Yes, sir.

Q How many half brothers have you? A One.

Q What's his name? A Newton Huddleston.

Q He has the same mother as you? A Yes, sir.

Q Have you any half sisters living? A No, sir.

Q Have you any half brothers or half sisters dead? A No, sir.

Jacob Wash, et al., 6.

Q Have you any full brothers or sisters dead? A Yes, sir.
Q How many? A Two brothers and one sister.
Q Did any of them leave children? A No, sir.
Q Any of your mother's brothers or sisters living? A No, sir.
Q Are any of the descendants of any of your mother's brothers or sisters living? A She has half brother living.
Q He has no Choctaw blood? A No, sir, he hasn't as I knows of.
Q You don't remember the name of your mother's father? A No, sir,
Q Or her mother? A Yes, sir, I remember her mother's name.
Q What was her name? A Nancy Boyd.
Q But she had no Choctaw blood? A Not as I knows of.
Q Are there any further statements you want to make at this time in support of your application? A No, sir.

(This applicant has the appearance of being possessed of a mixture of negro, and either white or Indian blood. He does not speak or understand the Choctaw language.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 23rd day of January, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause, upon said date.

R. S. Streit
Subscribed and sworn to before me at Meridian, Mississippi, this 31st day of January, 1902.

L. B. Mosley
Clerk U.S. Circuit Court,
Southern District of Mississippi,

By *J. M. M.*

Deputy.

COPY

M.C.R. 4579.

Muskogee, Indian Territory October 14, 1902.

Jacob Wash,

Gail, Mississippi.

Dear Sir:-

You are hereby advised that on the 14th day of October 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Newton Huddleston, et al., embracing the following applications for identification as Mississippi Choctaws:

Newton Huddleston, et al.,	M.C.R. 4578
Ben Wash, et al.,	M.C.R. 4550
Matilda Johnson, et al.,	M.C.R. 4590
Jacob Wash, et al.,	M.C.R. 4579

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concludes September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Newton Huddleston, Mary Huddleston, James V. Huddleston, Victoria Huddleston, Henry Clay Huddleston, Ben Wash, Mary Wash, Sylvester Wash, Fannie Wash, William Wash, Matilda Johnson, Mary Johnson, Willie

J. W. -2

Johnson, Nola Johnson, Jacob Johnson, Bobby Johnson, Rebecca Johnson, Jacob Wash, Philip Wash and Coyt M. Wash, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

NEOJ.

T. L. McMillan

Commissioner in Charge.

Registered.

M.C.R. 4579

COPY

Muskogee, Indian Territory, December 22, 1902.

Jacob Wash,

Gall, Mississippi.

Dear Sir:

You are hereby notified that on the 9th day of December, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Newton Huddleston, et al., of which decision you were advised by registered mail on the 14th day of October, 1902.

Respectfully,

Yours truly,

James Birney
Acting Chairman.

For Identification as a Mississippi Choctaw.
Meridian, Miss

Date JAN 23 1902

Name Jacob Wash
Age 25 Blood 1/4

Post Office, Gail, Miss.

Father: Peter Wash

Mother: Mary (1/2) D

Claims through mother
wife Belle Wash
(no claim for wife)

(Claims for self and 2 children)

Children:

Philip Wash 3
Coyt M. (M) 1

Names of all ancestors whose
names are known are shown
(hereon)

R. S. Strick

Choctaw MCR 4580

Lydia Hightower

See MCR 4581

MCR 4580

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Lydia Hightower et al.,
for identification as Mississippi Choctaws, consolidating the
applications of:

Lydia Hightower, M.C.R. 4580.
Sylvia Turner et al., M.C.R. 4581.

List of papers forwarded to the Secretary of the Interior,
comprising the report in the consolidated case of
Lydia Hightower et al.

(Page)

Original application of Lydia Hightower before the Dawes Commission for identification as a Mississippi Choctaw	1
Original application of Sylvia Turner et al. before the Dawes Commission for identification as Mississippi Choctaws	10
Decision of the Commission denying the consolidated application of Lydia Hightower for identification as Mississippi Choctaws	14

4680

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, January 23, 1902.

In the matter of the application of Lydia Hightower for identification as a Mississippi Choctaw. A.W. Jones, Agent, and S.A. Beadle, Attorney, for applicant.

Lydia Hightower, having been first duly sworn, upon her oath testified as follows:

Examination by the Commission.

- Q What is your name? A Lydia Hightower.
Q How old are you? A Thirty nine years old.
Q How much Choctaw blood have you? A Well, I really couldn't say; my father was a Choctaw and my grand mother.
Q I want to know how much you have; give us an idea about it?
A I think I am over a quarter by my father being Choctaw.
Q Your father wasn't a full blood was he? A We were always told that he was.
Q Did your mother have any Choctaw blood? A Yes, sir.
Q How much? A I couldn't tell; I know she claimed to have Choctaw in her.
Q Well, how much do you think you have? A I have a quarter, I know.
Q What's your post office address? A Meridian,
Q What's your local address? A End of Thirty-third Avenue.
Q No number? A No, sir, no number; just end of Thirty-third Avenue.
Q How long have you lived in Meridian? A I have been here nine or ten months.
Q Where did you live before you came here? A I lived down at Clinton, Mississippi.
Q How long did you live there? A All my days.
Q What county is that in? A In Hinds.
Q You lived there all your life until you came here? A No, sir, not all my life, but I was reared there.
Q Where else did you live? A In Memphis, Tennessee.
Q How long? A About nine or ten years.
Q Where did you live besides that? A That's the only important place I have lived; I have - well, I taught school at other places, but that's the only place I have lived; that's my homestead.
Q You have lived in Mississippi all your life except the nine or ten years you were in Memphis? A Yes, sir.
Q Is your father living? A No, sir.
Q What was his name? A Albert Brown.
Q Is your mother living? A No, sir.
Q What was her name? A Lucy Brown.
Q How much Choctaw blood did your father have? A Well supposed to be - he was - I suppose he was a full blood.
Q Do you know? A I have always heard he was; I have heard him say he was.
Q You remember his father well, do you? A Yes, sir.
Q How long has he been dead? A He has been dead close on to ten years.
Q Where did he live during his life time? A He lived at Clinton.

Lydia Hightower, 2.

Q This State? A Yes, sir, this State.
Q Lived there all his life? A The best part.
Q Was your father a slave? A He always said he weren't no slave; he always taught us he weren't no slave.
Q Did he speak or understand the Choctaw language? A Yes, sir, he could speak it.
Q How do you know? A Because we often heard him talking and couldn't understand what he would say.
Q You are sure it was Choctaw? A Yes, sir. He said that was what it was.
Q How much Choctaw blood did your mother have? A She had some by her mother, I think was half.
Q That's all you claim, just half? A Yes, sir.
Q Well, was she a slave? A No, sir.
Q Sure of that? A She says she weren't.
Q Where did she live during her life time? A In Mississippi.
Q All her life? A Yes, sir.
Q How old would your father be if he were living now? A Seventy two between seventy two and seventy three.
Q How old would your mother be if she were living now? A She would be sixty some odd years old.
Q What was the name of your father's father? A I don't know.
Q Or your father's mother? A Charity Hawket.
Q Did Charity have any Choctaw blood? A She was full.
Q Did you ever see her? A Yes, sir.
Q Where did she live during her life time? A In Mississippi.
Q What county? A Madison.
Q Lived there all her life? A Yes, sir.
Q When did she die? A In '82.
Q How old was she when she died? A She was seventy five years old.
Q Did you ever hear your father say what his father's name was? A Never did; if he did, I don't remember it.
Q You don't know whether he was a Choctaw or not? A No more than what my father's mother said.
Q What did she say? A Said he was Choctaw.
Q What was the name of your mother's father? A I don't know.
Q Your mother's mother? A Her name was Lydia.
Q What other name did she have? A I don't know her last name.
Q She was a slave was she? A Not that I know of.
Q Did she have any Choctaw blood? A I don't know; I think she had some.
Q How long has she been dead? A She has been dead now about nine years.
Q How old was she when she died? A She was between the age of sixty four and sixty five, I think. No, she was older than that; I really don't know, but I just suggest what they say.
Q Do you know the names of either one of her parents? A No, sir.
Q Do you know the name of either one of Charity's parents? A No, sir, I do not.
Q Did she have any other name besides Charity? A No, sir, just Charity Hawket.
Q Did Lydia have any other name? A No, sir.
Q So far as you know, all of your ancestors have lived in the State of Mississippi? A Yes, sir, all that I know of.
Q Are you married? A I am.
Q Is your husband living? A He is.
Q Has he any Choctaw blood? A I don't know.

Lydia Hightower, 3.

Q You make no claim for him then? A No, sir.
Q What's his name? A H. A. Hightower.
Q What does that first H. stand for? A Henry.
Q Are you living together now? A Yes, sir.
Q Have you any children? A Not any.
Q This application is for yourself only, is it? A Yes, sir, myself only.
Q Is your name on any of the Choctaw tribal rolls in Indian Territory
A Not that I know of.
Q Did you ever make application to the Choctaw tribal authorities in Indian Territory to be admitted or enrolled as a member of that tribe? A I never did.
Q Have you ever made any application of any description before to-day
A No, sir, I have not.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under article 14 of the treaty of Dancing Rabbit Creek? A I do.
Q Do you understand that 14th article? A No, I don't really understand it.

This treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, a part of which is now occupied by the greater portion of the Choctaw tribe of Indians and is commonly known as the Choctaw Nation, Indian Territory. At this time the treaty was made, some of the Indians were unwilling to leave this country, and for the benefit of those who wanted to stay here, what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions, a Choctaw who preferred to stay here in Mississippi might receive land here in Mississippi from the Government. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres to land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Lydia Hightower, 4.

Q That's the 14th article of the treaty of Dancing Rabbit Creek. Do you understand that? A Not exactly.

Well, this treaty, as I have stated to you, was made here seventy one years ago, and under the terms of this treaty, or within a few years after that, nearly all of the Choctaws moved from this country, or the greater portion of the tribe, out to the new Choctaw Nation. The object of the treaty was to get them to move out there, but this 14th article was put in the treaty for the benefit of those Indians who didn't want to go out there, but wanted to stay here on the old reservation. It provided that in case a Choctaw wanted to stay here, he should within six months after the treaty was ratified, let the agent of the Government here in Mississippi for the Choctaws know that he wanted to stay here and he was thereupon entitled to a reservation of one section of six hundred and forty acres of land; now if he had a child in his family over ten years of age, for that child he was entitled to three hundred and twenty acres, or a half section; for each child in his family under ten years of age, he was entitled to one hundred and sixty acres; these reservations for the children must adjoin the location of the parent, and the reservation must include the improvement owned by the parent on the 27th day of September, 1830, the day the treaty was made. Now, under that 14th article, they were required to live on that land for five years from February 24, 1831,, and after they had done that, the Government agreed to give them a grant in fee simple for the land; that is, to convey all its rights, title and interest in and to the land, to the Indian, and he could dispose of the land then at his own pleasure, but that 14th article further said that in case a Choctaw lived here seventy one years ago, and took advantage of the provisions of article 14 of the treaty, and later decided to go out to the new nation west of the Mississippi River, he should not, by reason of his having taken land here, in Mississippi, lose the privilege of a Choctaw citizen, but if he ever did move out there, he should not be entitled to any portion of the Choctaw annuity. The Choctaw annuity is money which became due to the Choctaws each year from the Government under treaty stipulations.

Q Now, did any of your ancestors ever comply or attempt to comply with the provisions of this 14th article of the treaty of Dancing Rabbit Creek, or ever receive any benefits thereunder? A Yes, sir, they did.

Q What one of your ancestors ever complied with its provisions? A My father and grand mother.

Q How did they do that? A They went some where where they were called to enroll; I don't know where it was.

Q When was that? A That's been years ago.

Q How many years? A I couldn't tell how many years, but I often heard her say she went there to be enrolled.

Q That was his mother? A Yes, sir and him.

Pydia Hightower, 5.

Q His mother, you claim, was a full blood Choctaw? A Yes, sir, a full blood; she claimed she was; she said she was.

Q You are sure she wasn't a slave? A She said she wasn't no slave; she was never claimed as a slave by no one.

Q Now, you don't know what she said they went, or when it was they went to be enrolled? A No, sir, I don't know where, but she went some where; she often said she did.

Q Did his mother have an Indian name? A She may have had, but I don't know but one.

Q That's Charity? A Yes, sir.

Q And you don't know where they went, nor what they did? A She said she went to be enrolled, but they were not for some cause.

Q Now, can't you give us an idea about when it was she went to be enrolled? A No, sir, I couldn't hardly tell about it, I was so young then, but I remember hearing her speak about it.

Q You were young when she went to be enrolled? A Yes, sir.

Q About how old were you? A I couldn't tell my age at that time.

Q Give us an idea? A I couldn't give an idea of my age.

Q Well, were you ten years old? A No, if I were ten at that time, I don't know it.

Q You can't give us an idea how old you were? A No, sir.

Q You remember it pretty well when she went there? A No, sir, I remember her saying she went there.

Q Did she tell you how large ~~man~~ your father was when she went to be enrolled? A No, sir.

Q Did she ever tell you anything further about going to be enrolled than what you have already told? A She said she were not, though; she went there, but she were not enrolled.

Q Why wasn't she enrolled? A I fon't know; she gave the cause but I have forgotten that.

Q You haven't much idea what she meant when she was talking about that? A Well, I really didn't understand.

Q Can't you tell us about how old you were when she told you that?

A Well, I really couldn't tell my age, but I was a school girl.

Q How do you think you come to remember it so well all this time?

A Well, so far as remembrance, I remember back to four years old.

Q You don't remember everything that was told you, do you? A No, but I remember some things when I was four years old.

Q That's all you know as to whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek? A That's all.

Q Where was your grand mother living seventy one years ago? A I suppose she was from my knowing - I don't know where she lived seventy one years ago.

Q Were any of your ancestors living here in the old Choctaw Nation, in Mississippi and Alabama, seventy one years ago? A I don't know.

Q Did any of them own an improvement here that you know of at that time? A I don't know.

Q Do you know whether any of them were recognized members of the Ch Choctaw tribe of Indians at that time? A Yes, sir, from what I heard her say she was.

Q She was enrolled as a member of the tribe at that time, and generally recognized to be a member of the tribe? A She was recognized as a Choctaw.

Q What do you mean by being recognized as a Choctaw? What is your understanding of that? A Well, whenever the Indians would pass through, she was recognized as one, and some times she would have a house full ever night.

Lydia Hightower, 6.

Q That's what you mean by her being recognized as a member of the tribe? A Yes, sir.

Q Did any of your ancestors remove from the old Choctaw Nation, here in Mississippi and Alabama, to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838?

A No, sir, not that I know of.

Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi know that they wanted to stay here and become citizens of the States? A My grand mother said she did.

Q When did she tell you that? A She often told us when we were children.

Q That she often went to see the agent and told him that she wanted to move out west; did she say to you that she told the agent that?

A I think she did; from my understanding I think she did.

Q Do you remember what she said that agent's name was? A No, I don't remember his name.

Q You understand that you are under oath, don't you? A Yes, sir, I understand it.

Q When did you first hear of the treaty of Dancing Rabbit Creek?

A Why, I heard my grand mother speak of it, and my father.

Q Does that answer my question, you think? A Sir?

Q Does that answer my question? I asked you when you first heard of it? A Well, from my hearing - I have often heard of it, but I can't tell when the first - I couldn't positively say the first --

Q You never heard of the 14th article until you came before the Commission? A No, sir, I never heard any one speak of it before; my understanding was from you.

Q Did any of your ancestors ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A No, sir, not to my knowing.

Q Did any of them ever get any money from the Government? A No, sir.

Q Any of them ever get any land at all here in Mississippi from the Government of the United States? A No, sir.

Q Did any of your ancestors ever claim or receive any benefits whatever as Choctaw Indians? A If they did, I don't know it.

Q Did any of them ever live in Indian Territory? A Not that I know of.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this agent failed to register and report to the Government the names of many Choctaws who did, in fact, let him know they wanted to stay here and become citizens of the States and take land, and on this account, the Government at its public land sales here in Mississippi in many instances sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under article 14 of the treaty. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress and Congress passed an Act which was approved on

Lydia Hightower, 7.

the third day of March, 1837, providing for the appointment of a Commission to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provision of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. This commission was duly appointed by the President of the United States, and the Commissioners came down here to Mississippi and heard a few of these Choctaw cases, but in the time allowed them by the Act of Congress under which they were appointed, and a later Act of Congress which was approved on the 22nd day of February, 1838, providing for the continuance of this commission, they were unable to dispose of but a comparatively small number of these cases. It, therefore, became necessary for Congress to make further provisions by which the remainder of these Indians might be given hearings, so another Act was passed which was approved on the 23rd day of March, 1838, providing for the appointment of another Commission to come down here to Mississippi and finish up the hearing of these cases. This commission was duly appointed by the President of the United States and the commissioners came down here to Mississippi and heard a great many more of these Choctaw cases.

Q Did any of your ancestors appear before either of these commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A My grand mother did.

Q Which one of these commissions did she appear before? A I really don't know.

Q You are sure it was one of them? A She said one.

Q Where was this commission in session when she appeared before it?

A I don't know, I couldn't tell.

Q Do you know the names of any of them? A No, sir, I don't know.

Q When did she tell you that she went before one of these commissions? A That was years ago.

Q When? A I was so small I couldn't remember even when she told me; I couldn't remember it.

Q Did she ever tell you what she went before these commissions for?

A That she went - she said she went before them for - but I can't remember the name, but it was for inheritance.

Q What kind of inheritance? A Inheritance of the Choctaw - what she was to receive.

Q Do you know whether she ever got anything from either of these commissions? A No, sir, she never got anything.

Q Never did? A No, sir.

This Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in lieu thereof land elsewhere in Mississippi, or Alabama, or Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any of this scrip from

Lydia Hightower, 8.

the United States Government under this Act of Congress? A If they did, I don't know it.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A There's two that I know of.

Q That know about that? A There's two that I know of.

Q What are their names? A Mose Harper.

Q Where does he live? A He lives at Hinds.

Q In Hinds County? A Yes, sir.

Q What's the other one's name? A Garland Moore.

Q Where does he live? A In Madison County.

Q How old is the first man, Harper? A I don't know; I couldn't tell his age.

Q About how old? A He is a ageable man, but I don't know his age.

Q That does not give me much information? A How old he is now?

Q That's what I want? A I suppose he is over seventy.

Q How old is the other one? A He is seventy five.

Q Do you mean to say that either of those witnesses know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek?

A Yes, sir.

Q They know about that, do they? A They know if they do or not.

Q Are either of them here to-day? A No, sir, one was to be here.

Q Have you any witnesses here at all to-day? A No, sir.

If you should find any witnesses whose testimony you desire to have taken by the Commission, they may appear before the commission at any time before the 15th of next month here at Meridian, Mississippi, or within a reasonable time thereafter at the General Office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

By S.A. Beadle:

Q Do you mean to say that she just went before one of these agents or two? A I don't know how many she went before, but I know she said she had been before them.

Q Before them? A Yes, sir.

Q Did she go to the one in '37, or between '37, or the one in 1830, or directly after that? The Commission wants to know, because it sounds like you meant she went before two? A She went before one, I know; she told me she had been before one; she often called the man's name, but I can't think of it.

Q You state now that it was only one she went before? A Yes, sir.

By Commission:

Was that a commission, or just some one man representing the Government? A I don't know, I think it was a commission.

Q Do you know for certain? A No, sir.

Q Have you any brothers living? A I have two.

Q What are their names? A Sylvia Turner and Mary Strother.

Q Any brothers living? A Yes, sir, one to my knowing.

Q What's his name? A W. K. Brown.

Q Where does he live? A In Missouri.

Lydia Hightower, 9.

Q Have any of your brothers or sisters ever been before the Commission? A No, sir.
Q What's this one's name? A Sylvia.
Q She is here too-day? A Yes, sir.
Q Have you any brothers or sisters dead who left children? A ONE.
Q How many children did they leave? A One sister had one child.
Q Is that child living now? A Yes, sir.
Q What's that child's name? A Lucy Washington.
Q With whom does that child live now? A With my sister, Mary Strether.
Q Are any of the brothers or sister of either of your parents, or any of their descendants living? A No, sir.

(This applicant has the appearance of being possessed of a mixture of negro, and either white or Indian blood; she does not speak or understand the Choctaw language.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 23rd day of January, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. S. Streit

Subscribed and sworn to before me at Meridian, Mississippi, this 1st day of February, 1902.

L. B. Mosley

Clerk U.S. Circuit Court,
Southern District of Mississippi,

By *[Signature]*

Deputy.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

*Am
L.R.
C. 111*

In the matter of the application of Lydia Hightower et al.,
for identification as Mississippi Choctaws, consolidating the
applications of:

Lydia Hightower,	M.C.R. 4588.
Sylvia Turner et al.,	M.C.R. 4581.

- I D E C I S I O N -

It appears from the record herein that applications
for identification as Mississippi Choctaws were made to this
Commission by Lydia Hightower for herself; and by Sylvia Turner
for herself and her minor child, Sarah Turner, under the following
provision of the act of Congress, approved June 23, 1878 (20 Stat.
495).

"This Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw
lands under article fourteen of the treaty between the United
States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, and to that end may

administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior.

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Charity Hawkst, who is alleged to have been a full-blood Choctaw Indian and to have resided in Mississippi in eighteen hundred and thirty, and of one Lydia, who is alleged to have been a Choctaw Indian (degree of blood not stated).

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission, that no one of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw Tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the records in the possession of the Commission, relating to persons who complied or attempted to

comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty and to persons who heretofore were claimants thereunder, that the said Charity Hasket or the said Lydia, or ancestors less remote, signified, (in person or by proxy), to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lydia Hightower, Sylvia Turner and Sarah Turner as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

ACTING CHAIRMAN.

Commissioners.

Wishogee, Indian Territory.

JUL 14 1892

COPY.

M C R 4580

Muskogee, Indian Territory, July 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Lydia Hightower, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of July 14, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

Lydia Hightower,
Sylvia Turner, et al.,

M C R 4580
" 4581

The Commission has the honor to report that the principal applicants in the several separate applications, their attorneys of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,
(SIGNED).

Marion Bixby.

Acting Chairman.

Through the Commissioner
of Indian Affairs.
1 enclosure.

COPY.

M O R 4880

Mustagee, Indian Territory, July 14, 1902.

Lydia Hightower,
Meridian, Mississippi.

Dear Madam:

You are hereby advised that on the 14th day of July 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lydia Hightower, et al., embracing the following applications for identification as Mississippi Choctaws:

Lydia Hightower, M O R 4880
Sylvia Turner, et al., " 4881

These applications were made under the provisions of the act of Congress of June 28, 1896 (30 Stats., 498) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

L E #2

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lydia Hightower, Sylvia Turner and Sarah Turner as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,
(SIGNED)

Jame Dixby.
Acting Chairman.

Registered.

COPY.

M C R 4500

Washburn, Indian Territory, July 14, 1902.

S. A. Beadle,

Attorney at Law,

Jackson, Miss.

Dear Sir:

You are hereby advised that on the 14th day of July 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lydia Hightower, et al., embracing the following applications for identification as Mississippi Choctaws:

Lydia Hightower,

M C R 4500

Sylvia Turner, et al.,

" 4501

These applications were made under the provisions of the act of Congress of June 23, 1898 (30 Stat., 493) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

2 A 3 40

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lydia Hightower, Sylvia Turner and Sarah Turner as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED).

James Bixby.

Acting Chairman.

Registered.

M C R 4580

Muskogee, Indian Territory, July 14, 1902.

A. W. Jones,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 14th day of July 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lydia Hightower, et al., embracing the following applications for identification as Mississippi Choctaws:

Lydia Hightower,

M C R 4580

Sylvia Turner, et al.,

" 4581

These applications were made under the provisions of the Act of Congress of June 28, 1898 (30 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

COPY.

AWJ #2

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lydia Hightower, Sylvia Turner and Sarah Turner as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

James Dixby

Acting Chairman.

Registered.

M C R 4580

Waskiee, Indian Territory, July 14, 1902.

Massfield, McMurray & Cernish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 14th day of July 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lydia Hightower, et al., embracing the following applications for identification as Mississippi Choctaws:

Lydia Hightower, M C R 4580
Sylvia Turner, et al., " 4581

These applications were made under the provisions of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

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"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lydia Hightower, Sylvia Turner and Sarah Turner as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(Signed)

James Bixby

Acting Chairman.

Land,
42,360-1902.

(C O P Y)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

Washington, August 12, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted, herewith, a report from the Acting Chairman of the Commission to the Five Civilized Tribes, dated July 14, 1902, forwarding for the Department's consideration the record relative to the application of Lydia Hightower, et al., for identification as Mississippi Choctaws claiming rights in the Choctaw lands under the provisions of Article 14 of the treaty of 1830.

Lydia Hightower applies for the identification of herself and Sylvia Turner applies for the identification of herself and her minor child, Sarah Turner.

July 14, 1902, the commission found that the applicants were not entitled to identification as Mississippi Choctaws.

The applicants in this case attempt to trace descent from Charity Hawket and also from Lydia, last name not given.

The record shows that Robert Brown, who was the father of Lydia Hightower was the son of Charity Hawket. The ancestor, Lydia, the record shows, was the maternal grandmother of the

-4-

principal applicant, Lydia Hightower, and that she does not know her said Maternal grandmother's last name.

The records of the office fail to show that the alleged original ancestors of the principal applicant complied or attempted to comply with the provisions of Article 14 of the treaty of 1830 or that they applied to the commissions appointed under the acts of March 3, 1837 and August 23, 1842, for an adjudication of their rights.

It is therefore respectfully recommended that the decision of the commission rejecting the applicants be approved.

Very respectfully,

Your obedient servant,

(Signed) A.C. Tenner,
Acting Commissioner.

(G.A.W.)

P.

D.C. 13474-1902.

48762

RAY

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

August 15, 1902.

IND. 4837-1902
L.R.S.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

The Department has considered the consolidated case involving the applications for identification as Mississippi Choctaws, of Lydia Hightower and of Sylvia Turner and her minor child, Sarah Turner. The record, including your decision of July 14, 1902, denying the applications, was transmitted with your letter of that date.

The applicants attempt to trace their descent from one Charity Hawket, alleged to have been a full blood Choctaw residing in Mississippi in 1830; and from one Lydia, alleged to have been a Choctaw Indian.

The record fails to show that any one of the applicants was ever admitted or enrolled as a citizen of the Choctaw Nation, or that either of the alleged ancestors, or a less remote ancestor of applicants, ever complied or attempted to comply with article XIV of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stats., 180), and August 23, 1842 (5 Stat., 613).

The Acting Commissioner of Indian Affairs forwarded the papers August 12, 1902, and recommended that your decision be approved. A copy of his letter is inclosed.

After careful review of the whole case the Department affirms your decision.

Respectfully,

(Signed) Thos. Ryan

Acting Secretary

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COPY.

M.C.R. 4560.

Muskogee, Indian Territory, August 23, 1902.

Lydia Hightower,
Meridian, Mississippi.

Dear Madam:

You are hereby advised that on the 15th day of August 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lydia Hightower, et al., of which decision you were advised by registered mail on the 14th day of July, 1902.

Yours truly,

(SIGNED).

Tamie Dixey.

Acting Chairman.

COPY

M.C.R. 4580.

Muskogee, Indian Territory, August 23, 1902.

A. W. Jones, Agent,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 15th day of August 1902, the Secretary of the Interior affirmed the decision of the Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lydia Wightower, et al., of which decision you were advised by registered mail on the 14th day of July, 1902.

Yours truly,

Acting Chairman.

M.C.R. 4580.

Muskogee, Indian Territory, August 23, 1902.

S. A. Beadle,
Attorney at Law,
Jackson, Mississippi.

Dear Sir:

You are hereby advised that on the 15th day of August 1902, the Secretary of the Interior affirmed the decision of the Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lydia Hightower, et al., of which decision you were advised by registered mail on the 14th day of July, 1902.

Yours truly,

Acting Chairman.

COPY

M.C.N. 4500.

Muskogee, Indian Territory, August 23, 1902.

Mansfield, Mowurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 15th day of August 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lydia Hightower, et al., of which decision you were advised by mail on the 14th day of July, 1902.

Yours truly,

ISB:CTP

James H. Hickey,

Acting Chairman.

4580
FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW

Lynia Hightower, et al

MCR 4580

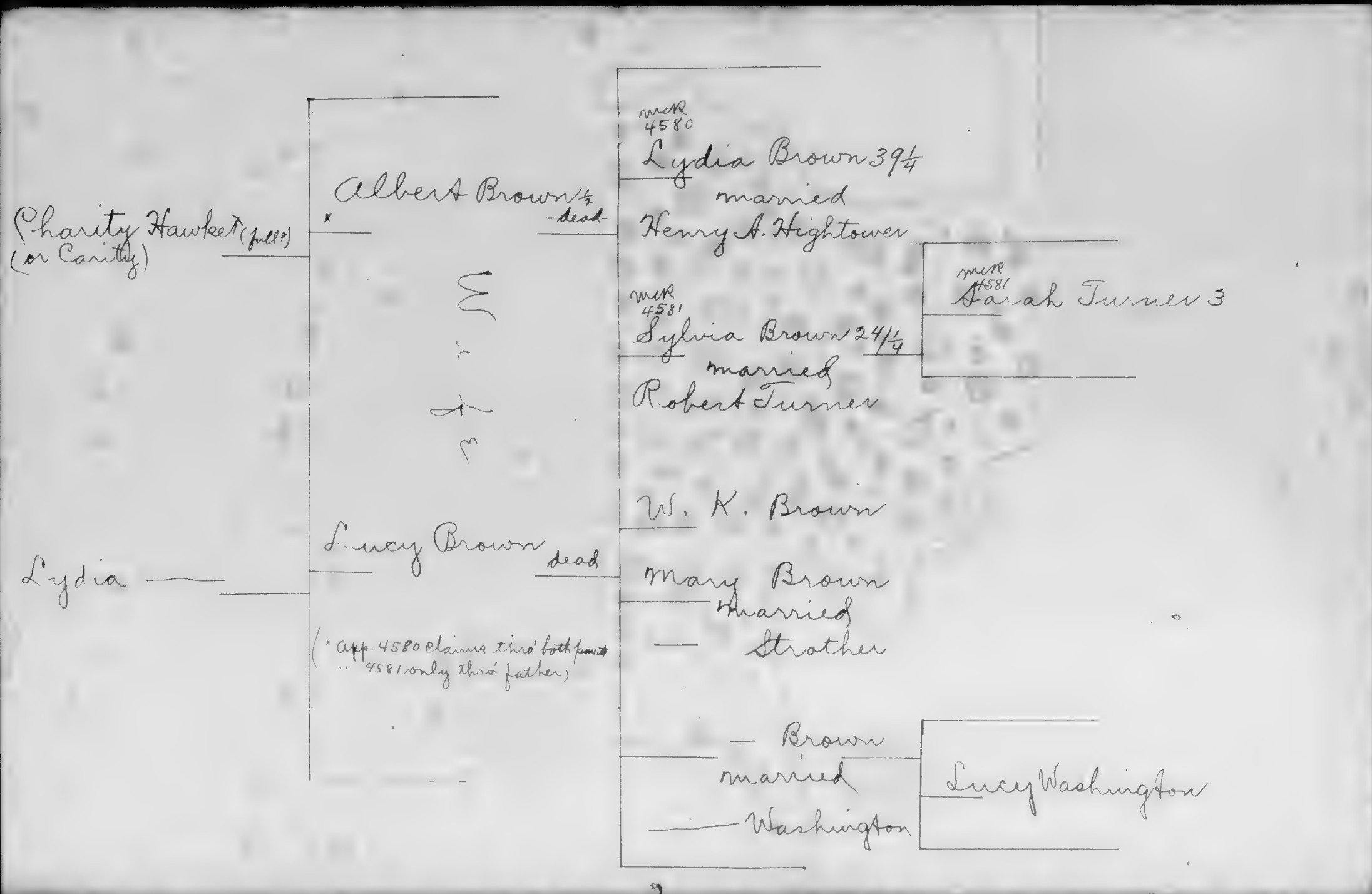
Consolidated Case
of

Lydia Hightower's

REFER TO M. C. R. 4580

NAME

CARD No.



No. 4580

For Identification as a Mississippi Choctaw.
Meridian, Miss.

Date JAN 23 1902

Name Lydia Hightower

Age 39 Blood 1/4

End of 33rd Ave
Post Office, Meridian, Miss.

Father: Albert Brown

Mother: Lucy "

Claims through both parents.
husband: Henry Hightower
(no claim for him)

(Claims for self only.)

Children:

Father's mother: Mary, deceased, prob

Mother: " Lydia

Stenographer

R. S. Strick

Choctaw MCR 4581

Sylvia Turner

See MCR 4580

MCR 4581

4687

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, January 23, 1902.

In the matter of the application of Sylvia Turner for the identification of herself and one minor child, Sarah Turner, as Mississippi Choctaws.

Appearances:

Andrew W. Jones, Agent for the applicant.
H.A. Beadle, Attorney for the applicant.

Sylvia Turner, having been first duly sworn, upon her oath testified as follows:

Examination by the Commission.

Q What is your name? A Sylvia Turner.
Q How old are you? A Twenty four.
Q How much Choctaw blood have you? A One-quarter, I suppose.
Q What's your post office address? A Meridian, Mississippi.
Q What's your street address? A End of 33rd Avenue.
Q How long have you lived here in Meridian? A About a month.
Q Where did you live before that? A Clinton, Mississippi.
Q Hinds County? A Yes, sir.
Q How long did you live there? A All my life.
Q Is your father living? A No, sir.
Q What was his name? A Albert Brown.
Q Is your mother living? A No, sir.
Q What was her name? A Lucy.
Q Through which one of your parents did you get your Choctaw blood?
A My father.
Q He was a half blood, according to your statements, was he? A I said I supposed I was one-quarter.
Q I am talking about your father? A Well, I don't know what my father was; he might have been a half; I suppose - I don't remember much about my father, or my mother either.
Q Your mother didn't have any Choctaw blood? A I suppose she did, but I don't remember about that.
Q Did your father and mother always live here in Mississippi?
A Yes, sir.
Q Were they lawfully married? A Yes, sir.
Q Have you any evidence that they were? A I have their word.
Q You have no written evidence to show they were lawfully married?
A No, sir.
Q How many children did they raise? A I don't know.
Q Give us an idea? A Twelve.
Q Did your father speak or understand the Choctaw language? A I don't know.
Q What part of Mississippi did he live in? A Hinds County.
Q All his life? A Hinds and Madison is the only two counties I know.
Q Were your father and mother both slaves? A I don't know that they were slaves.

Sylvia Turner, et al., 2.

Q What was the name of your father's father? A I don't know.
Q Or your father's mother? A Name was Carity Hawket.
Q Do you remember Charity? A No, sir.
Q Do you know where she lived during her life time? A No, sir.
Q How much Choctaw blood did she have? A I don't know how much she had.
Q Did she live here in Mississippi all her life? A All that I know anything about.
Q Which one of your mother's parents had Choctaw blood, if either of them did? A Her father.
Q What was his name? A I don't know what his name was.
Q Are you married? A Yes, sir.
Q What's your husband's name? A Robert Turner.
Q Has he any Choctaw blood? A No, sir, I don't suppose he has.
Q You make no claim for him, then? A No, sir.
Q Have you any children? A One.
Q What's that child's name? A Sarah.
Q How old? A Three years old.
Q Is she the child of yourself and Robert Turner? A Yes, sir.
Q Do you know the name of either one of the parents of Chairty Hawket? A No, sir.
Q You have given us the names, now, of all of your ancestors whose names you know? A Yes, sir.
Q This application, is for yourself and one minor child? A Yes, sir.
Q Is your name on any of the Choctaw tribal rolls in Indian Territory? A Not that I know of.
Q Did you ever make application to the Choctaw tribal authorities in Indian Territory, to be admitted or enrolled as a member of that tribe? A No, sir.
Q Have you ever made any application of any kind before to-day for yourself or this child? A No, sir.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and this child under article 14 of the treaty of Dancing Rabbit Creek? A Yes, sir.
Q Do you understand article 14 of the treaty of Dancing Rabbit Creek? A No, sir, I don't understand it.
Q You have just heard it explained fully to your sister, Lydia Hightower? A Yes, sir, I heard you explain it to her.
Q Well, don't you understand that? A I don't know that I really understand it.

That 14th article of the treaty of Dancing Rabbit Creek, is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty, in that

Sylvia Turner, et al., 3.

case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you understand that 14th article? A I think so.
- Q Did any of your ancestors ever comply or attempt to comply with its provisions, or ever receive any benefits under that article?
- A If they did, I don't know it, but I have heard my sister say they did.
- Q You have heard your sister, Lydia Hightower, say so? A Yes they applied to some of the Commissions.
- Q When? A When did I hear her say so; I heard her speak of it.
- Q When did you hear her speak of it? A About a few weeks ago.
- Q That's all you know about it is it? A Yes, sir.
- Q You heard her testimony here to-day? A Yes, sir.
- Q She told all in her testimony that she told you? A Yes, sir.
- Q Do you know anything in regard to whether any of your ancestors ever complied with these treaty provisions, or ever appeared before either of these commissions duly appointed under the Act of Congress approved March 1837, or the Act of Congress approved in August, 1842, further than what she has told in her testimony to-day? A No, I don't know.
- Q You don't know any more about the residence of your Choctaw ancestors than she has told? A No, sir.
- Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A Yes, sir.
- Q Who are they? A Garland Moore and Mose Harper.
- Q They are the same persons referred to by your sister in her testimony? A Yes, sir.
- Q Are they all that you know of that would know about that? A Yes, sir.
- Q Have you any witnesses here to-day? A No, sir.

If you should discover any witnesses whose testimony you desire to have taken by the Commission, they may appear before the Commission here at Meridian, Mississippi, before the 15th of next month, or within a reasonable time thereafter at the General Office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

- Q Are there any further statements you want to make at this time?
- A No, sir.

(This applicant has the appearance of being possessed of a mixture of negro, and either white or Indian blood. She does not speak or understand the Choctaw language.)

Sylvia Turner, et al., 4.

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 23rd day of January, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. S. Streit
Subscribed and sworn to before me at Meridian, Mississippi,
this 3rd day of February 1902.

L. B. Mosley
Clerk U. S. Circuit Court,
Southern District of Mississippi,

By *[Signature]*

Deputy.

COPY,

M C R 4551

Mustagee, Indian Territory, July 14, 1902.

Sylvia Turner,
Meridian, Mississippi.

Dear Madam:

You are hereby advised that on the 14th day of July 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lydia Hightower, et al., embracing the following applications for identification as Mississippi Choctaws:

Lydia Hightower,

M C R 4550

Sylvia Turner, et al.,

" 4551

These applications were made under the provisions of the Act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

ST 42

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lydia Hightower, Sylvia Turner and Sarah Turner as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered".

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,
(SIGNED).

Tams Bixby.
Acting Chairman.

Registered.

M.C.R. 4551.

Muskogee, Indian Territory, August 23, 1902.

Sylvia Turner,
Meridian, Mississippi.

Dear Madam:

You are hereby advised that on the 15th day of August 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lydia Hightower, et al., of which decision you were advised by registered mail on the 14th day of July, 1902.

Yours truly,

Acting Chairman.

#1470

No. 4531

For Identification as a Mississippi Choctaw.
Meridian, Miss

Date JAN 23 1902

Name Sylvia Turner

Age 20 1/2 Blood 1/4

Post Office, Meridian, Miss

Father: Albert Brown d

Mother: Lucy " d

Claims through father
husband Robert Turner f
(no claim for mother)

(Claims for mother's side)

Children:

Sarah Turner 3

Father's

Stenographer

R. J. Strick

Choctaw MCR 4582

Cynthia J. Dicken

See MCR 4006

MCR 4582

Department of the Interior
Commission to the Five Civilized Tribes.
Muskogee, I.T. January 27, 1902.

4592

In the matter of the application for identification as Mississippi Choctaws of Cynthia Jane Dicken for herself and her minor son John R. Ferguson.

Applicants represented by attorney J. G. Ralls.

Cynthia Jane Dicken being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Cynthia Jane Dicken.
Q What is your age? A Fifty-one.
Q What is your post-office address? A Silo, Indian Territory.
Q How long have you lived in Silo? A I have been there one year.
Q Where is your present address? A Pilot Grove, Grayson County, Texas.
Q How long have you lived in Texas? A Ever since from about four years old.
Q Where did you live before you lived in Texas? A Mississippi.
Q Where in Mississippi? A I don't know just exactly where,-- Calhoun County, I guess.
Q From Mississippi you went to Texas? A Yes sir.
Q And now you are going to live in Silo? A Yes sir.
Q Is your mother living? A No.
Q Is your father living? A No.
Q What is your father's name? A William T. Sanders.
Q What is your mother's name? A Nancy Jane Sanders.
Q Through which parent do you claim Choctaw blood? A Mother.
Q How much Choctaw blood do you claim? A One-sixteenth they tell me, I don't know anything about it myself.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authority or the United States authority in Indian Territory? A I don't know.
Q Well has she ever lived in the Choctaw Nation, Indian Territory? A No sir.
Q Are you married? A Yes sir.
Q What is your husband's name? A John R. Dicken.
Q Is he living? A No sir.
Q He is dead? A Yes sir.
Q Are you a widow? A Yes sir.
Q Did he have any Indian blood? A No sir not that I know of.
Q Have you any children under twenty-one years of age and unmarried that you want to make application for? A Yes one boy.
Q What is his name? A John R. Ferguson.
Q Were you ever married before you were married to John R. Dicken? A Yes sir.
Q Was your former husband the father of John R. Ferguson? A Yes sir.
Q What is your first husband's name? A John R. Ferguson,---John Richard Ferguson.
Q Is he dead also? A Yes sir.

- Q Was he the father of John R. Ferguson for whom you now make application? A Yes sir.
- Q How old is that boy? A Seventeen years.
- Q Did John R. Ferguson his father have any Choctaw blood? A Not that I know of.
- Q He was a white man? A Yes sir.
- Q You claim for your son as having Choctaw blood which he obtains through you and which you obtain through your mother? A Yes sir.
- Q Is your name or the name of your son upon any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
- Q Have you ever made application for yourself or your son for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes for yourself and your son under the act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted with your son to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
- Q Is this the first application you have ever made for citizenship or enrollment in the Choctaw Nation for yourself or son to any authority whatever? A Yes sir.
- Q Do you now come before the Commission to identify yourself and your son as Mississippi Choctaws claiming under article fourteen of the treaty of eighteen hundred and thirty? A Yes sir.
- Q Do you understand that article of that treaty? A No sir.

The treaty of eighteen hundred and thirty was made between the United States government and the Choctaw tribe of Indians at a place called Dancing Rabbit Creek in the state of Mississippi on the twenty-seventh day of September eighteen hundred and thirty. It was made chiefly for the purpose of removing the Choctaw Indians who lived in the old Choctaw Nation in Mississippi and Alabama from that old Choctaw Nation to the Choctaw Nation, Indian Territory. Before the treaty was signed it became evidence that a good many Choctaw Indians would not go to the Choctaw Nation, Indian Territory with the other Indians under the treaty of eighteen hundred and thirty and in order to protect their interests article fourteen was put into the treaty. That article fourteen of the treaty of eighteen hundred and thirty reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Did any of your ancestors comply or attempt to comply with any of the provisions of that article of that treaty? A I don't know sir.
- Q What is the name of your ancestor who lived in Mississippi in eighteen hundred and thirty? A Flemming J. Thompson.
- Q Well he was a white man was he not? A Yes sir.
- Q I want the one you claim your Choctaw blood through? A Kaziah Brashear.
- Q Did she marry Flemming Thompson? A Yes sir.
- Q Kaziah Brashear was her maiden name then? A Yes sir.
- Q How much Choctaw blood did she have? A One-fourth.
- Q Did she live in Mississippi? A Yes sir in Mississippi and Alabama.
- Q Did she live in both states? A Yes she was in the first settling of Alabama, I heard her speak of it.
- Q You know where in Alabama she lived? A No sir I don't know that.
- Q Did she live in the Choctaw Nation; in that part of it located in Alabama;--did she live near Tuscaloosa? A I don't know. I have heard them speak of Alabama, going there when the first settling of Alabama.
- Q Did she speak the Choctaw language or have any Indian name do you know? A That is what they told me.
- Q What was her Indian name if she had one? A Brashear I reckon.
- Q Did she or any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know.
- Q Did she live in Mississippi or Alabama in 1830 and have a family there at that time? A I don't know just the exact dates that she lived there.
- Q Do you know where in Mississippi she lived? A In Calhoun County.
- Q You claim through your mother? A Yes sir.
- Q Was she born in Mississippi? A I don't know whether she was born in Mississippi or Alabama.
- Q Were you born in Mississippi? A Yes sir.
- Q Can you tell where in Mississippi you were born? A In Calhoun County.
- Q How old would your mother be if she were living now? A About seventy-six years old.
- Q Did any of your Choctaw ancestors go from the old Choctaw Nation in Mississippi or Alabama to the Choctaw Nation, Indian Territory with the other Indians between the years 1833 and 1838? A I don't know sir.
- Q Did any of them within six months after the ratification of the treaty of 1830 go to the United States Indian Agent Colonel Ward who lived in Mississippi at that time and tell him that they wanted to take land there and become citizens of the United States? A I don't know nothing about that.
- Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama under article fourteen of the treaty of eighteen hundred and thirty? A I don't know.
- Q Did any of your Choctaw ancestors own or claim any land or receive any under any other article of the treaty of eighteen hundred and thirty than article fourteen or under the supplement of that treaty? A I don't know.
- Q Did they claim under any treaty made between the United States and the Choctaw Indians other than the treaty of 1830? A I don't know.

#4

The Indians who remained in the old Choctaw Nation in Mississippi and Alabama after the treaty of eighteen hundred and thirty was ratified were required in order to take advantage of the provisions of article fourteen of the treaty of eighteen hundred and thirty to go to the United States Indian Agent whose name was Colonel Ward and tell him that they wanted to stay in Mississippi, take lands there and become citizens of the United States. A good many Choctaw Indians did this whose names Colonel Ward failed to register upon his list known as Ward's register. This caused a great many complaints among the Choctaw Indians and especially among those who had lands in Mississippi and Alabama which the government took from them and sold at its public land sales and these complaints caused a Commission to be appointed by act of Congress approved March 3, 1837, which Commission went to the state of Mississippi and heard claimants under article fourteen of the treaty of Dancing Rabbit Creek. In 1842 another Commission was appointed for the same purpose. This Commission also went to Mississippi and heard claimants under article fourteen of the treaty of eighteen hundred and thirty.

Q Do you know whether any of your Choctaw ancestors went before either of these two Commissions and claimed any benefits under article fourteen of the treaty of Dancing Rabbit Creek? A No sir

The act of Congress approved August 23, 1842 provided that if any Choctaw citizen proved his claim under article fourteen of the treaty of Dancing Rabbit Creek; if it further appeared that he had had land taken from him by the government and sold, that he should be entitled to select land from any of the vacant government lands in the states of Mississippi, Louisiana, Alabama or Arkansas and that a certificate or as it was called at that time scrip should be issue to him to that effect.,

Q Did any of your Choctaw ancestors receive any such scrip, from the government as Choctaw Indians? A I don't know.

Q Do you speak the Choctaw language? A No sir.

Q Have you any evidence or proof of any kind that you would like to introduce in support of this claim? A No sir.

Q Would you like time in which to introduce such proof or evidence? A I don't know whether we do, I think we have got sufficient proof.

Q You think you have enough? A Yes sir.

Q Can you give the names of some of your relatives who have been here before this Commission to be identified as Mississippi Choctaws claiming through Kaziah Brashear? A J. P. Sanders, my brother; Missie N. Ellison, my sister; my cousins the Dumas's Scott Dumas, Lewis Dumas, Dan and others that I do not recall.

Q Margaret Aston your sister? A Yes sir.

Q She appeared to-day? A Yes sir.

Q You want the testimony of all of these relatives of yours who have been before the Commission to be identified as Mississippi Choctaws and who all claim through Kaziah Brashear considered with yours in order that you can benefit by their testimony? A Yes sir.

Q Do you speak or understand the Choctaw language? A No sir.

#5

This applicant has the appearance and physical characteristics of being descended from white parentage; light complexion, brown eyes, light hair, now somewhat gray. She does not speak or understand the Choctaw language and has no knowledge of compliance on the part of her ancestors with any of the provisions of the fourteenth article of the treaty of 1830.

Examination by attorney J. G. Ralls.

- Q Your first husband was dead at the time you married Mr. Dicken?
A Yes sir.
Q Did you have any other children by Mr. Ferguson? A Yes; five daughters.
Q Are they living? A Yes sir.
Q Have you any children by your second marriage? A No sir.
Q Have any of your daughters applied for identification? A No sir not yet.
Q Are they going to? A I think they will,----they are married.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on January 27th 1902, and that the above and foregoing is a full true and correct transcript of his stenographic notes in said cause on said date of January 1902.

Subscribed and sworn to before me this 27 day of January 1902.

G. Rosenwinkel
Clara Mitchell Wood
Notary Public.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

COPY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M. C. R. 4582.

MUSKOGEE, INDIAN TERRITORY, May 15, 1903.

Cynthia J. Dicken,
Silo, Indian Territory.

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Scott S. Dumas, et al., embracing the following applications for identification as Mississippi Choctaws:

Scott S. Dumas, et al.,	M. C. R. 4006
Miles G. Lantrip,	M. C. R. 4737
Mary P. Phillips, et al.,	M. C. R. 4738
Isom Lantrip,	M. C. R. 4739
William T. Brasher, et al.,	M. C. R. 4740
Andy Brasher, et al.,	M. C. R. 4741
Robert L. Brasher,	M. C. R. 4742
Albert Collums,	M. C. R. 4743
James S. Collums,	M. C. R. 4744
Thaddeus W. Dumas,	M. C. R. 5737
Aurelius W. Dumas,	M. C. R. 5726
Alexander Dumas, et al.,	M. C. R. 6113
Sharkey H. Roth,	M. C. R. 5845
Mary E. Carothers, et al.,	M. C. R. 5700
Carrie McConico, et al.,	M. C. R. 5520
Bernard A. Williams, et al.,	M. C. R. 5144
Maud Cain, et al.,	M. C. R. 5807
Claude A. Grantham, et al.,	M. C. R. 5714
James J. Dumas, et al.,	M. C. R. 5717
Sydney L. Dumas,	M. C. R. 5803
Adella Caroline Hardin, et al.,	M. C. R. 5698
Lulu K. Smith, et al.,	M. C. R. 5699
Benjamin F. Dumas,	M. C. R. 4521
James D. Dumas, et al.,	M. C. R. 4524
Ennis Palmer, et al.,	M. C. R. 5857
Maud Terry, et al.,	M. C. R. 4525
Lottie McCoy,	M. C. R. 4522
Jane E. McCreary,	M. C. R. 4523
Mary C. L. Hollis, et al.,	M. C. R. 4222
William H. Hollis, et al.,	M. C. R. 4311
Lawrence W. Hollis, et al.,	M. C. R. 4310
Minnie H. Nicolds, et al.,	M. C. R. 4312
Mary C. McLeod, et al.,	M. C. R. 4313
Hattie E. Andrews, et al.,	M. C. R. 4314
Charlie T. Skinner, et al.,	M. C. R. 4315

Thomas H. Hollis,	M. C. R. 4309
Blanche G. Merchant,	M. C. R. 4223
Lawrence W. Dumas, et al.,	M. C. R. 5731
Mary A. Wade, et al.,	M. C. R. 5822
Willie P. Dumas, et al.,	M. C. R. 5810
John R. Dumas, et al.,	M. C. R. 5701
Carrie A. Wilkerson, et al.,	M. C. R. 5703
Maggie Ida Dumas,	M. C. R. 5702
William P. Mims,	M. C. R. 5985
Ransom E. Mims, et al.,	M. C. R. 5858
Frank E. Dumas,	M. C. R. 5732
Ben M. Dumas,	M. C. R. 5811
Edward W. Blakey, et al.,	M. C. R. 5425
Nannie Black, et al.,	M. C. R. 4185
Charles H. Black,	M. C. R. 4200
Ammon Wood, et al.,	M. C. R. 4202
Willie Wood,	M. C. R. 4203
Ellington Wood,	M. C. R. 4199
Edna Fry,	M. C. R. 4286
Robert B. Shipp, et al.,	M. C. R. 4285
Maria J. Crawford, et al.,	M. C. R. 4115
Majie J. Crawford Cole, et al.,	M. C. R. 4116
Elizabeth Baxter Caldwell, et al.,	M. C. R. 4114
Jennie B. H. Calhoun, et al.,	M. C. R. 4117
J. M. Crawford, et al.,	M. C. R. 4094
Robert H. Crawford,	M. C. R. 4164
Edna M. Folliard, et al.,	M. C. R. 4168
Everett B. Crawford, et al.,	M. C. R. 4165
Edwin R. Crawford,	M. C. R. 4077
Pinkie Creager, et al.,	M. C. R. 4169
Fannie Sharp, et al.,	M. C. R. 4433
George H. Gresham,	M. C. R. 4098
Oliver P. Gresham, et al.,	M. C. R. 4095
Robert O. Gresham, et al.,	M. C. R. 4201
Erma Biglow,	M. C. R. 4435
David E. Dumas,	M. C. R. 4651
DeBerry G. Dumas, et al.,	M. C. R. 4119
Birdie D. Carlet, et al.,	M. C. R. 4123
Mack O. Dumas,	M. C. R. 4658
Susan M. Hendricks,	M. C. R. 4121
Onia Ann Stephens, et al.,	M. C. R. 4096
Jackson E. Hendricks, Jr., et al.,	M. C. R. 4126
Mary H. Decker, et al.,	M. C. R. 4122
Helen Martin, et al.,	M. C. R. 4097
John W. Dumas,	M. C. R. 5012
Ada B. Ewing, et al.,	M. C. R. 4284
Minnie P. Dumas,	M. C. R. 5011
Malinda Blanks, et al.,	M. C. R. 4118
William C. Blanks, et al.,	M. C. R. 4135
Robert E. Blanks, et al.,	M. C. R. 4139
Nora E. Binford,	M. C. R. 4125
Birdie A. Wilson, et al.,	M. C. R. 4134
Albert G. Dumas, et al.,	M. C. R. 4631
Roxanna Freeman, et al.,	M. C. R. 4850
Arizona Elizabeth Daniels, et al.,	M. C. R. 4633
Dixie Dumas Connolly, et al.,	M. C. R. 4632
Maude Florence Clark, et al.,	M. C. R. 5713
May L. Brown,	M. C. R. 5725

Murat Dumas, et al.,	M. C. R. 5715
Lula A. Dumas,	M. C. R. 5716
Lena Fulton, et al.,	M. C. R. 4144
Lauren Scott Cannon, et al.,	M. C. R. 4145
Eula Umphress, et al.,	M. C. R. 4146
Pearl Barron, et al.,	M. C. R. 4147
James W. Wheat, et al.,	M. C. R. 4695
Ivy A. Fowler,	M. C. R. 4696
Dan H. Dumas, et al.,	M. C. R. 3766
Eula D. Shivel,	M. C. R. 4075
Walter W. Dumas,	M. C. R. 4015
James P. Dumas,	M. C. R. 3508
Travis M. Dumas, et al.,	M. C. R. 4007
Verna J. Dumas, et al.,	M. C. R. 4140
Laura D. Cole, et al.,	M. C. R. 4141
Victoria J. Pierce, et al.,	M. C. R. 4066
Lee W. T. Herman,	M. C. R. 4254
Annie B. Wallace, et al.,	M. C. R. 4250
Louis Dumas, et al.,	M. C. R. 4014
Belle Leslie, et al.,	M. C. R. 4067
John F. Sanders, et al.,	M. C. R. 5445
Nancy J. Whorton, et al.,	M. C. R. 5446
James L. Sanders,	M. C. R. 5560
Julia A. Wells,	M. C. R. 5559
Emsley M. Sanders, et al.,	M. C. R. 5804
Cora C. Bond, et al.,	M. C. R. 4620
Margaret K. Aston, et al.,	M. C. R. 4562
Mary Jane Damron, et al.,	M. C. R. 5805
William E. Aston, et al.,	M. C. R. 4583
Vic Damron, et al.,	M. C. R. 4619
Cynthia Jane Dicken, et al.,	M. C. R. 4582
William T. Sanders, et al.,	M. C. R. 5444
James P. Sanders, et al.,	M. C. R. 4069
Missieniah Ellison, et al.,	M. C. R. 4154
Lillie Page, et al.,	M. C. R. 4155
Walter H. Thompson,	M. C. R. 4142
Jeff D. Thompson, et al.,	M. C. R. 4016
Mary A. Ferguson, et al.,	M. C. R. 4772
Vergie J. Powers, et al.,	M. C. R. 4773
Willie E. Ferguson, et al.,	M. C. R. 4774
Alonzo A. Ferguson,	M. C. R. 4775
Sue A. Thompson, et al.,	M. C. R. 4389
Ada Thompson,	M. C. R. 4076
Emma C. Canon, et al.,	M. C. R. 3414
Winnie D. Canon,	M. C. R. 3415
Delmer Canon,	M. C. R. 3761
George Thompson, et al.,	M. C. R. 3756
George Homer Thompson,	M. C. R. 3757
Ida Sandford,	M. C. R. 3759
Lula Thompson Noe, et al.,	M. C. R. 3760
Verner L. Dumas,	M. C. R. 5719
James Don Dumas, et al.,	M. C. R. 5720
Claude E. Dumas, et al.,	M. C. R. 5721
Missie E. Biggerstaff, et al.,	M. C. R. 5722
Nettie A. Woolverton,	M. C. R. 6185
Elizabeth Wood,	M. C. R. 6268
Eula P. Niswander, et al.,	M. C. R. 6342
Lawrence L. Thompson, et al.,	M. C. R. 6373

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Scott S. Dumas, Ruth Dumas, Miles G. Lantrip, Mary P. Phillips, Early E. Phillips, Esther E. Phillips, Maud E. Phillips, Leo R. Phillips, Myrtle Phillips, Leland Phillips, Durelle Phillips, Rex Phillips, Isom Lantrip, William T. Brasher, Malt Brasher, Vaudy Brasher, Cordy Brasher, Andy Brasher, Ada Brasher, William C. Brasher, Robert L. Brasher, Albert Collums, James S. Collums, Thaddeus W. Dumas, Aurelius W. Dumas, Alexander Dumas, Dixie M. Dumas, Melville Sidney Dumas, Charles I. Dumas, Sharkey H. Roth, Mary E. Carothers, Ida Blanche McClurg, Susie May McClurg, Ada Maud McClurg, Monroe McClurg, Carrie McConico, Nannie May Mobley, Henry Pope Mobley, Willie McConico, Bernard A. Williams, Marcella Williams, John Williams, Vernie Williams, Maud Williams, Hattie Williams, Maud Cain, John Joseph Cain, Ida May Cain, Claude A. Grantham, Claudia May Grantham, James J. Dumas, Lawrence Dumas, Sydney L. Dumas, Adella Caroline Hardin, Ollie Caroline Hardin, Clyde Abraham Hardin, Lula K. Smith, Opal Smith, Benjamin F. Dumas, James D. Dumas, Abbie A. Dumas, James H. Dumas, Gladys Dumas, Benjamin Dumas, Ennis Palmer, Edgar Palmer, Erbert Palmer, Maud Terry, Moina Terry, Dumas Terry, Millwee Terry, Lottie McCoy, Jane E. McCreary, Mary C. L. Hollis, Linnie L. Hollis, William H. Hollis, William H. Hollis, Jr., Lawrence W. Hollis, Eva M. Hollis, Lawrence W. Hollis, Jr., Beatrice M. Hollis, Scott W. Hollis, Minnie H. Nicolds, Richard Nicolds, Hollis Nicolds, Kate Nicolds, Edward Nicolds, Minnie Nicolds, Mary C. McLeod, Mary L. McLeod, Hattie E. Andrews, Max R. Andrews, Jr., Hattie E. Andrews (2), Charlie T. Skinner, Blanche L. Skinner, Thomas H. Hollis, Blanche G. Merchant, Lawrence W. Dumas, Mallie T. Dumas, Annie C. Dumas, Katie L. Dumas, Janie S. Dumas, Lawrence W. Dumas, Jr., Mary A. Wade, Edgar D. Wade, Glennan A. Wade, Willie P. Dumas, Jennie W. Dumas, Clark G. Dumas, Faris Dumas, John R. Dumas, Walter A. Dumas, Justin R. Dumas, Carrie A. Wilkerson, James A. Wilkerson, Walter D. Wilkerson, Maggie Ida Dumas, William P. Mims, Ransom E. Mims, Oscar M. Mims, William T. Mims, Frank E. Dumas, Ben M. Dumas, Edward W. Blakey, Edna Blakey, John Blakey, Nannie Black, Catherine Black, Charles H. Black, Ammon Wood, Willie A. Wood, Leslie B. Wood, Willie Wood, Ellington Wood, Edna Fry, Robert B. Shipp, Ruby B. Shipp, Maria J. Crawford, Lucille Crawford, Ghent Crawford, Ed S. Crawford, Jr., Jodie F. Crawford, Majie J. Crawford Cole, Jewel I. Cole, James A. Cole, Susie M. Cole, Christine Cole, Majie Douglass Cole, Elizabeth Baxter Caldwell, Mabel E. Caldwell, Jodie Lee Caldwell, Jennie B. H. Calhoun, Owen H. Calhoun, Edwin C. Calhoun, J. M. Crawford, Edwin Dickey Crawford, Hattie May Crawford, James M. Crawford, Jr., Ellen Lee Crawford, Robert H. Crawford, Edna M. Folliard, Crawford J. Folliard, Aileen Folliard, Cecil H. Folliard, William Richard Folliard, Everett B. Crawford, Everett B. Crawford, Jr., Edwin R. Crawford, Pinkie Crenger, Margaret E. Creager, Fannie Sharp, Dan M. Sharp, Charlotte Jane Sharp, George H. Gresham, Oliver P. Gresham, Lizzie D. Gresham, Frances Margret Gresham, Robert O. Gresham, Hill Campbell Gresham, Erma Biglow, David E. Dumas, DeBerry G. Dumas, Walter A. Dumas, Birdie D. Carlet, Glenna W. Carlet, Helen C. Carlet, Mack O. Dumas, Susan M. Hendricks, Onia Ann Stephens, Leno A. Stephens, Harold Richard Stephens, Louise Stephens, Vernon Stephens, Charles Edwin Stephens, Jr., Jackson E. Hendricks, Jr., Hallie H. Hendricks, Ruth Hendricks, Rubie Hendricks, Mary H. Decker, William H. Decker, Jr., Susan H. Decker, Helen Martin, Vera Martin, Alma Martin, Samuel Martin, John W. Dumas, Ada B. Ewing, Freda Ewing, Mabel Ewing, Minnie P. Dumas, Malinda Blanks, Arthur Blanks, William C. Blanks, Ruth J. Blanks, Mary G. Blanks, Robert E. Blanks, Robert E. Blanks, Jr., Nora E. Binford, Birdie A. Wilson, John H. Wilson, Albert G. Dumas, Arline Dumas, Lisle Dumas, Dixie D. Dumas, Roxanna Freeman, William Clyde Freeman, Arizona Elizabeth Daniels, Stafford Livonia Daniels, Dixie Dumas Connolly, Sybil Connolly, Frank C. Connolly, Maude Florence Clark, Irene L. Clark, May L. Brown, Murat Dumas, Eugene Dumas, Lula A. Dumas, Lena Fulton, J. Harold Fulton, Clifford C. Fulton, Lauren Scott Cannon, Josiah R. Cannon, Kathleene Cannon, Eula Umphress, Carl C. Umphress, Helen M. Umphress, Pearl Burton, Guyon Elizabeth Barron, James W. Wheat, Dumas Wheat, Ivy A. Fowler, Dan H. Dumas, Harriet Pinkey Dumas, Eula D. Shivel, Walter W. Dumas, James P. Dumas, Travis M. Dumas, Lige F. Dumas,

Verna J. Dumas, Hazel A. Dumas, Laura D. Cole, Dorothy Cole, Victoria J. Pierce, Louis Pierce, Arthur Pierce, Lee W. T. Herman, Annie B. Wallace, Gladys Wallace, Marvin Wallace, Hortense Wallace, Ferrol Wallace, Louis Dumas, Ward Lamon Dumas, Fred Dumas, Mary A. E. Dumas, Belle Leslie, Gerline Leslie, Mae D. Leslie, Lloyd Leslie, Karl Leslie, John F. Sanders, Robert D. Sanders, Cynthia Beatrice Sanders, Turner Lee Sanders, Nancy J. Whorton, Mabel Whorton, James L. Sanders, Julia A. Wells, Emsley M. Sanders, Dottie Sanders, Cora C. Bond, Callie Bond, Ray M. Bond, Clede Bond, Margaret K. Aston, Belva Lockwood Aston, Mary Jane Damron, Emma J. Damron, Claud M. Damron, Maud Damron, Lila C. Damron, Walter W. Damron, Minnie Damron, Mamie Damron, Joseph Scott Damron, William E. Aston, Eula M. Aston, Verna D. Aston, Texanna Aston, Willie Eunice Aston, Lonie H. Aston, William Edward Aston, Jr., Vic Damron, Clara Bell Damron, Hugh Ella Damron, Jimmie Otha Damron, Nora May Damron, Willie Monroe Damron, Cynthia Jane Dicken, John R. Ferguson, William T. Sanders, Louis Burke Sanders, Wilda D. Sanders, James P. Sanders, Nellie Sanders, Cora Sanders, Olive Sanders, Missieniah Ellison, Lena Nichols, Alma Ellison, Lillie Page, Marie Page, Catharine Page, Walter H. Thompson, Jeff D. Thompson, Clarence E. Thompson, James A. Thompson, Willie L. Thompson, Madeline F. Thompson, Gracie L. Thompson, Elsie Thompson, Mary L. Thompson, Minnie L. Thompson, Essie B. Thompson, Myrtle Thompson, John L. Thompson, Mary A. Ferguson, Julia A. Ferguson, Jeff Ferguson, Scotty S. Ferguson, Georgie B. Ferguson, Loverd E. Ferguson, Vergie J. Powers, Murray Powers, Maybell Powers, Willie E. Ferguson, Vergie B. Ferguson, Frank G. Ferguson, Alonzo A. Ferguson, Sue A. Thompson, May Thompson, Ada Thompson, Emma C. Canon, Emsley J. Canon, Alexander Canon, Tullie Clyde Canon, Winnie D. Canon, Delmer Canon, George Thompson, Charlie W. Thompson, Luther Bell Thompson, Mary Gertrude Thompson, George Homer Thompson, Ida Sanford, Lula Thompson Noe, Chester William Noe, Verner L. Dumas, James Don Dumas, Ella May Dumas, Claude E. Dumas, Jim Dumas, Missie E. Biggerstaff, Dora Biggerstaff, John M. Biggerstaff, Winnie Biggerstaff, Gladys Biggerstaff, Nettie A. Woolverton, Elizabeth Wood, Eula P. Niswander, Mildred Niswander, Lawrence L. Thompson, Mildred Bell Thompson, Lawrence L. Thompson, Jr., Cornelia Elizabeth Thompson and Willie Thompson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Chairman.

Registered.

REFER IN REPLY TO THE FOLLOWING

WCR 4582

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

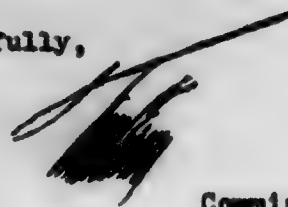
Muskogee, Indian Territory, January 22, 1906.

Cynthia J. Dicken,
Silo, Indian Territory.

Dear Madam:

You are hereby notified that the Secretary of the Interior on January 5, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, refusing the applications of the several persons in the consolidated Mississippi Choctaw case of Scott S. Dumas, et al., of which the application for the identification of yourself and your child as Mississippi Choctaws, is a part.

Respectfully,



Commissioner.

No. 4582

For Identification as a Mississippi Choctaw.

Date JAN 27 1902

Name Cynthia J. Wicken,

Age 51 Blood 1/16

Post Office, Silo, S. T.

Father, William T. Sanders, d.

Mother, Nancy J. " d

Claims through mother dead.
Husband,
(2nd) John R. Wicken.

1st John R. Ferguson, (d) m.
father of child.

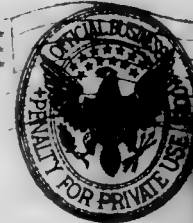
Children:

John R. Ferguson. 17.

Claims for self &
son.



Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.



45-82
MAR -6 1906

Cynthia J. Dickens,

~~WFO, Indian Territory~~

of
Remained
Reynolds

Choctaw MCR 4583

William E. Aston

See MCR 4006

MCR 4583

Department of the Interior
Commission to the Five Civilized Tribes
Muskegee, I.T. January 27, 1902.

4583

In the matter of the application for identification as Mississippi Choctaws of William E. Aston for himself and his six minor children, Eula M., Verna D., Texanna, Willie Eunice, Lonie H. and William Edward Aston Junior.

Applicants represented by attorney J. G. Ralls.

William E. Aston being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A W. E. Aston,--William E. Aston.
Q What is your age? A Thirty-two.
Q What is your post office address? A Valley View.
Q Texas? A Yes sir.
Q How long have you lived there? A Seven years.
Q Where did you live before that? A Collin County.
Q Texas? A Yes sir.
Q How long did you live there? A Born there.
Q Your father is dead? A No sir.
Q Is your mother living? A Yes sir.
Q Has she just made application under the name of Margaret K. Aston for identification to-day? A Yes sir.
Q What is your father's name? A Hugh L. Aston.
Q What is your mother's name? A Margaret K. Aston.
Q You claim through your mother? A Yes sir.
Q How much Choctaw blood do you claim? A One-thirty-second.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A Not that I know of.
Q Are you married? A Yes sir.
Q Wife living? A Yes sir.
Q What is her name? A Jennie Frances.
Q Does she have any Choctaw blood? A Not that I know of.
Q White woman? A Yes sir.
Q You make any claim for her as a Choctaw Indian? A No sir.
Q Have you any children under twenty-one years of age and unmarried that you want to make application for? A Yes sir.
Q Are they all the children of Jennie Frances? A Yes sir.
Q Was she ever married before she married you and you ever married before you married her? A No sir.
Q What is the name of the oldest child? A Eula M.
Q How old is she? A Twelve.
Q The next? A Verna D. a boy.
Q How old is Verna? A He is nine.
Q The next? A Texanna.
Q How old is she? A Seven.
Q What is the name of the next? A Willie Eunice.
Q How old is she? A She is six.
Q Now the name of the next? A Lonie H.
Q Boy? A No, girl.
Q How old is she? A Four.
Q How old did you say Willie Eunice was? A Six.

#2

- Q Name of the next? A William Edward Junior.
Q How old is he? A Eight months.
Q You make application for yourself and these children? A Yes sir.
Q Have you the marriage license of the marriage between yourself and your wife with you? A Yes sir.
Q You want to present it in support of this application you make for these children? A Yes sir.

Certified copy of marriage license between W. E. Aston and Jane F. Pace presented by this applicant, received, filed and marked exhibit "A" and made a part of the record in this case.

- Q Is the W. E. Aston whose name appears in this certified copy of the marriage license and certificate; is that your name and the same person as William E. Aston? A Yes sir.
Q You gave the name of your wife as Jennie and in this certified copy of the marriage license and certificate the name is given as Jane F. is that the same person? A Yes sir.
Q Jennie is the proper name? A I'll be dogged if I know which is the proper.
Q Is your name or the name of any of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory for yourself and children? A No sir.
Q Have you ever made application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No sir.
Q Have you or any of your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.
Q You now come before the Commission for the purpose of identifying yourself and your minor children as Mississippi Choctaws claiming under article fourteen of the treaty of eighteen hundred and thirty? A Yes sir.
Q You think you understand that article? A Why no I don't understand it.
Q You understand the treaty of eighteen hundred and thirty or anything about it? A No sir.

The treaty of eighteen hundred and thirty which is some times called the treaty of Dancing Rabbit Creek was made at a place of that name, Dancing Rabbit Creek, in Mississippi on the twenty seventh day of September, eighteen hundred and thirty; it was ratified later on the 24th day of February eighteen hundred and thirty-one. The principal object for the making of that treaty was to remove all the Choctaw Indians who lived in the old Choctaw Nation in Mississippi and Alabama from that old Choctaw Nation to the new Choctaw Nation, Indian Territory; but, before the treaty was signed it became known that a great many Choctaws would not go to the Choctaw Nation, Indian Territory and in order to protect their interests article fourteen was put into the treaty. Article fourteen reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty

acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity.

- Q You think you understand that now? A Yes sir.
- Q Do you know whether any of your ancestors ever complied with any of the provisions of article fourteen? A No sir.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw; who do you claim through, Kaziah Brashear? A Yes sir.
- Q That was her maiden name? A Yes sir.
- Q What was her husband's name? A Thompson.
- Q Full name if you know it? A I don't remember----Flemming.
- Q Was he a white man? A He was supposed to be.
- Q Did Kaziah Brashear live in Mississippi in eighteen hundred and thirty? A I don't know.
- Q You don't know whether she had a family in Mississippi or Alabama in eighteen hundred and thirty? A No sir.
- Q Did you ever hear that she did have? A Yes sir.
- Q Heard it in the family? A Yes sir.
- Q Is it a matter of family history and tradition that she did live in Mississippi and Alabama and had a family there in 1830? A Yes sir.
- Q Where did she live in Alabama? A I don't know.
- Q Where did she live in Mississippi? A I don't know.
- Q How much Choctaw blood did she have? A They claimed one-fourth.
- Q Do you know whether she claims through her father or mother? A A I don't know.
- Q Did she speak or understand the Choctaw language? A I don't know.
- Q How old would Kaziah Brashear or Thompson be if she were living now? A I don't know.
- Q You claim through your mother? A Yes sir.
- Q And she has been here to-day? A Yes sir.
- Q And she claims through her father or mother? A Mother.
- Q What was her mother's name? A Nancy J. Sanders.
- Q Did Nancy J. Sanders live in Mississippi? A I don't know.
- Q She claims through whom her father or mother? A Mother.
- Q What was her name? A Kaziah Brashear.
- Q Did Kaziah Brashear or any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in the year eighteen hundred and thirty? A Not that I know of.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of eighteen hundred and thirty go to the United States Indian Agent Colonel Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States? A I don't know.
- Q Did any of them go from the old Choctaw Nation in Mississippi or Alabama to the new Choctaw Nation in Indian Territory with the other Indians between the years eighteen hundred and thirty-three and eighteen hundred and thirty-eight? A I don't know.
- Q Did any of your ancestors own any land or claim any under article fourteen of the treaty of eighteen hundred and thirty? A

#4

Not that I know of.

- Q Did any of your Choctaw ancestors claim any land or receive any under any other article of that treaty except article fourteen or under the supplement of that treaty? A Not that I know of.
- Q Did any of your Choctaw ancestors claim any lands or receive any benefits as Choctaw Indians under any treaty made between the United States government and the Choctaw tribe of Indians other than the treaty of eighteen hundred and thirty? A Not that I know of.

The Indians who stayed in Mississippi and Alabama in the old Choctaw Nation after the treaty of eighteen hundred and thirty was ratified refusing to go to the Choctaw Nation, Indian Territory with the other Indians were required in order to take advantage of the provisions of article fourteen of the treaty of eighteen hundred and thirty to go to the United States Indian Agent Colonel Ward within six months after the treaty was ratified and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States. A good many Indians did this whose names he failed to put upon his list known as Ward's register. This failure of the United States Indian Agent to make a complete list of all Choctaw Indian claimants who went before him according to the provisions of that article fourteen of the treaty of eighteen hundred and thirty caused a good many Indians, who lived in Mississippi and who held lands there upon which they owned improvements to lose both, for both were taken from them by the government and sold at public land sales. This caused a great many complaints among the Choctaws and as the result of these complaints a Commission was appointed by Congress which was approved by an act dated March 3, 1837. This Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed by act of Congress approved August 23, 1842. This Commission also went to Mississippi and heard claimants under article fourteen of the treaty of eighteen hundred and thirty?

- Q Did any of your Choctaw ancestors ever go before either of these two Commissions and claim benefits under article fourteen? A Not that I know of.

The act of Congress approved August 23, 1842 provided that if any Choctaw Indian proved his claim under article fourteen and it further appeared that he had had his land taken from him in Mississippi by the government and sold that he should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant government lands and that a certificate to that effect should be given him. These certificates were called scrip.

- Q Did any of your Choctaw ancestors receive any scrip from the government as Choctaw Indians? A If they did I never heard about it.
- Q Have you any evidence of any kind that you want to introduce now in support of this claim or any witnesses that you want to call? A No sir.
- Q Would you like time in which to file further evidence? A Yes sir

A reasonable time will be allowed this applicant in which to introduce proper evidence in support of this application.

#5

- Q What are the names of some of your relatives who have appeared here for identification as Mississippi Choctaws claiming through the same common ancestor, Kaziah Brashear? A Mell Dumas, Scott Dumas, Dan Dumas, Miss Ellison.
- Q Who is Margaret K. Aston? A My mother.
- Q Who is Cynthia J. Dicken? A My aunt.
- Q They appeared to-day? A Yes sir.
- Q And there are others whose names you do not now recall who have made application? A Yessir.
- Q You want to have their testimony considered with yours? A Yes sir.
- Q Do you speak the Choctaw language? A No sir.
- Q Is there anything further that you would like to state? A No sir? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; has blue-gray eyes, ruddy complexion, brown hair, light sandy mustache; he does not speak or understand the Choctaw language and has no knowledge of compliance on the part of his ancestors with any of the provisions of the fourteenth article of the treaty of 1830.

G. Rosenwinkel being duly sworn upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on January 27, 1902, and that the above and foregoing, is a full, true and correct transcript of his stenographic notes in said cause on said date of January 1902.

Subscribed and sworn to before me this 29 day of January 1902.

Vera Mitchell Wood
Notary Public.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

COPY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M. C. R. 4583.

MUSKOGEE, INDIAN TERRITORY, May 15, 1903.

William N. Aston,
Valley View, Texas.

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Scott S. Dumas, et al., embracing the following applications for identification as Mississippi Choctaws:

Scott S. Dumas, et al.,	M. C. R. 4006
Miles G. Lantrip,	M. C. R. 4737
Mary P. Phillips, et al.,	M. C. R. 4738
Isom Lantrip,	M. C. R. 4739
William T. Brasher, et al.,	M. C. R. 4740
Andy Brasher, et al.,	M. C. R. 4741
Robert L. Brasher,	M. C. R. 4742
Albert Collums,	M. C. R. 4743
James S. Collums,	M. C. R. 4744
Thaddeus W. Dumas,	M. C. R. 5737
Aurelius W. Dumas,	M. C. R. 5726
Alexander Dumas, et al.,	M. C. R. 6113
Sharkey H. Roth,	M. C. R. 5845
Mary E. Carothers, et al.,	M. C. R. 5700
Carrie McConico, et al.,	M. C. R. 5520
Bernard A. Williams, et al.,	M. C. R. 5144
Maud Cain, et al.,	M. C. R. 5807
Claude A. Grantham, et al.,	M. C. R. 5714
James J. Dumas, et al.,	M. C. R. 5717
Sydney L. Dumas,	M. C. R. 5803
Adella Caroline Hardin, et al.,	M. C. R. 5698
Lulu K. Smith, et al.,	M. C. R. 5699
Benjamin F. Dumas,	M. C. R. 4521
James D. Dumas, et al.,	M. C. R. 4524
Ennis Palmer, et al.,	M. C. R. 5857
Maud Terry, et al.,	M. C. R. 4525
Lottie McCoy,	M. C. R. 4522
Jane E. McCreary,	M. C. R. 4523
Mary C. L. Hollis, et al.,	M. C. R. 4222
William H. Hollis, et al.,	M. C. R. 4311
Lawrence W. Hollis, et al.,	M. C. R. 4310
Minnie H. Nicolds, et al.,	M. C. R. 4312
Mary C. McLeod, et al.,	M. C. R. 4313
Hattie E. Andrews, et al.,	M. C. R. 4314
Charlie T. Skinner, et al.,	M. C. R. 4315

Thomas H. Hollie,	M. C. R. 4309
Blanche G. Merchant,	M. C. R. 4223
Lawrence W. Dumas, et al.,	M. C. R. 5731
Mary A. Wade, et al.,	M. C. R. 5822
Willie P. Dumas, et al.,	M. C. R. 5810
John R. Dumas, et al.,	M. C. R. 5701
Carrie A. Wilkerson, et al.,	M. C. R. 5703
Maggie Ida Dumas,	M. C. R. 5702
William P. Mims,	M. C. R. 5985
Ransom E. Mims, et al.,	M. C. R. 5858
Frank E. Dumas,	M. C. R. 5732
Ben M. Dumas,	M. C. R. 5811
Edward W. Blakey, et al.,	M. C. R. 5425
Nannie Black, et al.,	M. C. R. 4185
Charles H. Black,	M. C. R. 4200
Ammon Wood, et al.,	M. C. R. 4202
Willie Wood,	M. C. R. 4203
Ellington Wood,	M. C. R. 4199
Edna Fry,	M. C. R. 4286
Robert B. Shipp, et al.,	M. C. R. 4285
Maria J. Crawford, et al.,	M. C. R. 4115
Majie J. Crawford Cole, et al.,	M. C. R. 4116
Elizabeth Baxter Caldwell, et al.,	M. C. R. 4114
Jennie B. H. Calhoun, et al.,	M. C. R. 4117
J. M. Crawford, et al.,	M. C. R. 4094
Robert H. Crawford,	M. C. R. 4164
Edna M. Folliard, et al.,	M. C. R. 4168
Everett B. Crawford, et al.,	M. C. R. 4165
Edwin R. Crawford,	M. C. R. 4077
Pinkie Creager, et al.,	M. C. R. 4169
Fannie Sharp, et al.,	M. C. R. 4433
George H. Gresham,	M. C. R. 4098
Oliver P. Gresham, et al.,	M. C. R. 4095
Robert O. Gresham, et al.,	M. C. R. 4201
Erma Biglow,	M. C. R. 4435
David E. Dumas,	M. C. R. 4651
DeBerry G. Dumas, et al.,	M. C. R. 4119
Birdie D. Carlet, et al.,	M. C. R. 4123
Mack O. Dumas,	M. C. R. 4658
Susan M. Hendricks,	M. C. R. 4121
Onia Ann Stephens, et al.,	M. C. R. 4096
Jackson E. Hendricks, Jr., et al.,	M. C. R. 4126
Mary H. Decker, et al.,	M. C. R. 4122
Helen Martin, et al.,	M. C. R. 4097
John W. Dumas,	M. C. R. 5012
Ada B. Ewing, et al.,	M. C. R. 4284
Minnie P. Dumas,	M. C. R. 5011
Malinda Blanks, et al.,	M. C. R. 4118
William C. Blanks, et al.,	M. C. R. 4135
Robert E. Blanks, et al.,	M. C. R. 4139
Nora E. Binford,	M. C. R. 4125
Birdie A. Wilson, et al.,	M. C. R. 4134
Albert G. Dumas, et al.,	M. C. R. 4631
Roxanna Freeman, et al.,	M. C. R. 4850
Arizona Elizabeth Daniels, et al.,	M. C. R. 4633
Dixie Dumas Connolly, et al.,	M. C. R. 4632
Maude Florence Clark, et al.,	M. C. R. 5713
May L. Brown,	M. C. R. 5725

Murat Dumas, et al.,	M. C. R. 5715
Lula A. Dumas,	M. C. R. 5716
Lena Fulton, et al.,	M. C. R. 4144
Lauren Scott Cannon, et al.,	M. C. R. 4145
Eula Umphress, et al.,	M. C. R. 4146
Pearl Barron, et al.,	M. C. R. 4147
James W. Wheat, et al.,	M. C. R. 4695
Ivy A. Fowler,	M. C. R. 4696
Dan H. Dumas, et al.,	M. C. R. 3766
Eula D. Shivel,	M. C. R. 4075
Walter W. Dumas,	M. C. R. 4015
James P. Dumas,	M. C. R. 3503
Travis M. Dumas, et al.,	M. C. R. 4007
Verna J. Dumas, et al.,	M. C. R. 4140
Laura D. Cole, et al.,	M. C. R. 4141
Victoria J. Pierce, et al.,	M. C. R. 4066
Lee W. T. Herman,	M. C. R. 4254
Annie B. Wallace, et al.,	M. C. R. 4250
Louis Dumas, et al.,	M. C. R. 4014
Belle Leslie, et al.,	M. C. R. 4067
John F. Sanders, et al.,	M. C. R. 5445
Nancy J. Whorton, et al.,	M. C. R. 5446
James L. Sanders,	M. C. R. 5560
Julia A. Wells,	M. C. R. 5559
Emsley M. Sanders, et al.,	M. C. R. 5804
Cora C. Bond, et al.,	M. C. R. 4620
Margaret K. Aston, et al.,	M. C. R. 4562
Mary Jane Damron, et al.,	M. C. R. 5805
William E. Aston, et al.,	M. C. R. 4583
Vic Damron, et al.,	M. C. R. 4619
Cynthia Jane Dicken, et al.,	M. C. R. 4582
William T. Sanders, et al.,	M. C. R. 5444
James P. Sanders, et al.,	M. C. R. 4069
Missieniah Ellison, et al.,	M. C. R. 4154
Lillie Page, et al.,	M. C. R. 4155
Walter H. Thompson,	M. C. R. 4142
Jeff D. Thompson, et al.,	M. C. R. 4016
Mary A. Ferguson, et al.,	M. C. R. 4772
Vergie J. Powers, et al.,	M. C. R. 4773
Willie E. Ferguson, et al.,	M. C. R. 4774
Alonzo A. Ferguson,	M. C. R. 4775
Sue A. Thompson, et al.,	M. C. R. 4389
Ada Thompson,	M. C. R. 4076
Emma C. Canon, et al.,	M. C. R. 3414
Winnie D. Canon,	M. C. R. 3415
Delmer Canon,	M. C. R. 3761
George Thompson, et al.,	M. C. R. 3756
George Homer Thompson,	M. C. R. 3757
Ida Sandford,	M. C. R. 3759
Lula Thompson Noe, et al.,	M. C. R. 3760
Verner L. Dumas,	M. C. R. 5719
James Don Dumas, et al.,	M. C. R. 5720
Claude E. Dumas, et al.,	M. C. R. 5721
Missie E. Biggerstaff, et al.,	M. C. R. 5722
Nettie A. Woolverton,	M. C. R. 6185
Elizabeth Wood,	M. C. R. 6268
Eula P. Niswander, et al.,	M. C. R. 6342
Lawrence L. Thompson, et al.,	M. C. R. 6373

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Scott S. Dumas, Ruth Dumas, Miles G. Lantrip, Mary P. Phillips, Early E. Phillips, Esther E. Phillips, Maud E. Phillips, Leo R. Phillips, Myrtle Phillips, Leland Phillips, Durelle Phillips, Rex Phillips, Isom Lantrip, William T. Brasher, Malt Brasher, Vaudy Brasher, Cordy Brasher, Andy Brasher, Ada Brasher, William C. Brasher, Robert L. Brasher, Albert Collums, James S. Collums, Thaddeus W. Dumas, Aurelius W. Dumas, Alexander Dumas, Dixie M. Dumas, Melville Sidney Dumas, Charles I. Dumas, Sharkey H. Roth, Mary E. Carothers, Ida Blanche McClurg, Susie May McClurg, Ada Maud McClurg, Monroe McClurg, Carrie McConico, Nannie May Mobley, Henry Pope Mobley, Willie McConico, Bernard A. Williams, Marcells Williams, John Williams, Vernie Williams, Maud Williams, Hattie Williams, Maud Cain, John Joseph Cain, Ida May Cain, Claude A. Grantham, Claudia May Grantham, James J. Dumas, Lawrence Dumas, Sydney L. Dumas, Adella Caroline Hardin, Ollie Caroline Hardin, Clyde Abraham Hardin, Lula K. Smith, Opal Smith, Benjamin F. Dumas, James D. Dumas, Abbie A. Dumas, James H. Dumas, Gladys Dumas, Benjamin Dumas, Ennis Palmer, Edgar Palmer, Erbert Palmer, Maud Terry, Moina Terry, Dumas Terry, Millwee Terry, Lottie McCoy, Jane E. McCreary, Mary C. L. Hollis, Linnie L. Hollis, William H. Hollis, William H. Hollis, Jr., Lawrence W. Hollis, Eva M. Hollis, Lawrence W. Hollis, Jr., Beatrice M. Hollis, Scott W. Hollis, Minnie H. Nicolds, Richard Nicolds, Hollis Nicolds, Kate Nicolds, Edward Nicolds, Minnie Nicolds, Mary C. McLeod, Mary L. McLeod, Hattie E. Andrews, Max R. Andrews, Jr., Hattie E. Andrews (2), Charlie T. Skinner, Blanche L. Skinner, Thomas H. Hollis, Blanche G. Merchant, Lawrence W. Dumas, Mollie T. Dumas, Annie C. Dumas, Katie L. Dumas, Janie S. Dumas, Lawrence W. Dumas, Jr., Mary A. Wade, Edgar D. Wade, Glennan A. Wade, Willie P. Dumas, Jennie W. Dumas, Clark G. Dumas, Faris Dumas, John R. Dumas, Walter A. Dumas, Justin R. Dumas, Carrie A. Wilkerson, James A. Wilkerson, Walter D. Wilkerson, Maggie Ida Dumas, William P. Mims, Ransom E. Mims, Oscar M. Mims, William T. Mims, Frank E. Dumas, Ben M. Dumas, Edward W. Blakey, Edna Blakey, John Blakey, Nannie Black, Catherine Black, Charles H. Black, Ammon Wood, Willie A. Wood, Leslie B. Wood, Willie Wood, Ellington Wood, Edna Fry, Robert B. Shipp, Ruby B. Shipp, Maria J. Crawford, Lucille Crawford, Ghent Crawford, Ed S. Crawford, Jr., Jodie F. Crawford, Majie J. Crawford Cole, Jewel I. Cole, James A. Cole, Susie M. Cole, Christine Cole, Majie Douglass Cole, Elizabeth Baxter Caldwell, Mabel E. Caldwell, Jodie Lee Caldwell, Jennie B. H. Calhoun, Owen H. Calhoun, Edwin C. Calhoun, J. M. Crawford, Edwin Dickey Crawford, Hattie May Crawford, James M. Crawford, Jr., Ellen Lee Crawford, Robert H. Crawford, Edna M. Folliard, Crawford J. Folliard, Aileen Folliard, Cecil H. Folliard, William Richard Folliard, Everett B. Crawford, Everett B. Crawford, Jr., Edwin R. Crawford, Pinkie Creager, Margaret E. Creager, Fannie Sharp, Dan M. Sharp, Charlotte Jane Sharp, George H. Gresham, Oliver P. Gresham, Lizzie D. Gresham, Frances Margret Gresham, Robert O. Gresham, Hill Campbell Gresham, Erma Biglow, David E. Dumas, DeBerry G. Dumas, Walter A. Dumas, Birdie D. Carlet, Glenna W. Carlet, Helen C. Carlet, Mack O. Dumas, Susan M. Hendricks, Onia Ann Stephens, Leno A. Stephens, Harold Richard Stephens, Louise Stephens, Vernon Stephens, Charles Edwin Stephens, Jr., Jackson E. Hendricks, Jr., Hallie H. Hendricks, Ruth Hendricks, Rubie Hendricks, Mary H. Decker, William H. Decker, Jr., Susan H. Decker, Helen Martin, Vera Martin, Alma Martin, Samuel Martin, John W. Dumas, Ada B. Ewing, Freda Ewing, Mabel Ewing, Minnie P. Dumas, Malinda Blanks, Arthur Blanks, William C. Blanks, Ruth J. Blanks, Mary G. Blanks, Robert E. Blanks, Robert E. Blanks, Jr., Nora E. Binford, Birdie A. Wilson, John H. Wilson, Albert G. Dumas, Arline Dumas, Lisle Dumas, Dixie D. Dumas, Roxanna Freeman, William Clyde Freeman, Arizona Elizabeth Daniels, Stafford Livonia Daniels, Dixie Dumas Connolly, Sybil Connolly, Frank C. Connolly, Maude Florence Clark, Irene L. Clark, May L. Brown, Murat Dumas, Eugene Dumas, Lula A. Dumas, Lena Fulton, J. Harold Fulton, Clifford C. Fulton, Lauren Scott Cannon, Josiah R. Cannon, Kathleene Cannon, Eula Umphress, Carl C. Umphress, Helen M. Umphress, Pearl Barron, Guyon Elizabeth Barron, James W. Wheat, Dumas Wheat, Ivy A. Fowler, Dan H. Dumas, Harriet Pinky Dumas, Eula D. Shivel, Walter W. Dumas, James P. Dumas, Travis M. Dumas, Lige F. Dumas,

Verna J. Dumas, Hazel A. Dumas, Laura D. Cole, Dorothy Cole, Victoria J. Pierce, Louis Pierce, Arthur Pierce, Lee W. T. Herman, Annie B. Wallace, Gladys Wallace, Marvin Wallace, Hortense Wallace, Ferrol Wallace, Louis Dumas, Ward Lamont Dumas, Fred Dumas, Mary A. E. Dumas, Belle Leslie, Gerline Leslie, Mae D. Leslie, Lloyd Leslie, Karl Leslie, John F. Sanders, Robert D. Sanders, Cynthia Beatrice Sanders, Turner Lee Sanders, Nancy J. Whorton, Mabel Whorton, James L. Sanders, Julia A. Wells, Emsley M. Sanders, Dottie Sanders, Cora C. Bond, Callie Bond, Ray M. Bond, Clede Bond, Margaret K. Aston, Belva Lockwood Aston, Mary Jane Damron, Emma J. Damron, Claud M. Damron, Maud Damron, Lila C. Damron, Walter W. Damron, Minnie Damron, Mamie Damron, Joseph Scott Damron, William E. Aston, Eula M. Aston, Verna D. Aston, Texanna Aston, Willie Eunice Aston, Lonie H. Aston, William Edward Aston, Jr., Vic Damron, Clara Bell Damron, Hugh Ella Damron, Jimmie Otha Damron, Nora May Damron, Willie Monroe Damron, Cynthia Jane Dicken, John R. Ferguson, William T. Sanders, Louis Burke Sanders, Wilda D. Sanders, James P. Sanders, Nellie Sanders, Cora Sanders, Olive Sanders, Missieniah Ellison, Lena Nichols, Alma Ellison, Lillie Page, Marie Page, Catharine Page, Walter H. Thompson, Jeff D. Thompson, Clarence E. Thompson, James A. Thompson, Willie L. Thompson, Madeline F. Thompson, Gracie L. Thompson, Elsie Thompson, Mary L. Thompson, Minnie L. Thompson, Essie B. Thompson, Myrtle Thompson, John L. Thompson, Mary A. Ferguson, Julia A. Ferguson, Jeff Ferguson, Scotty S. Ferguson, Georgie B. Ferguson, Lovard E. Ferguson, Vergie J. Powers, Murray Powers, Maybell Powers, Willie E. Ferguson, Vergie B. Ferguson, Frank G. Ferguson, Alonzo A. Ferguson, Sue A. Thompson, May Thompson, Ada Thompson, Emma C. Canon, Emsley J. Canon, Alexander Canon, Tullie Clyde Canon, Winnie D. Canon, Delmer Canon, George Thompson, Charlie W. Thompson, Luther Bell Thompson, Mary Gertrude Thompson, George Homer Thompson, Ida Sanford, Lula Thompson Noe, Chester William Noe, Verner L. Dumas, James Don Dumas, Ella May Dumas, Claude E. Dumas, Jim Dumas, Missie E. Biggerstaff, Dora Biggerstaff, John M. Biggerstaff, Winnie Biggerstaff, Gladys Biggerstaff, Nettie A. Woolverton, Elizabeth Wood, Eula P. Niswander, Mildred Niswander, Lawrence L. Thompson, Mildred Bell Thompson, Lawrence L. Thompson, Jr., Cornelia Elizabeth Thompson and Willie Thompson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(S. G. L. D.)

James D. Doby

Chairman

Registered.

COPY.

MCR 4583

Muskogee, Indian Territory, January 22, 1906.

William N. Aston,
Valley View, Texas.

Dear Sir:

You are hereby notified that the Secretary of the Interior on January 5, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, refusing the applications of the several persons in the consolidated Mississippi Choctaw case of Scott S. Dumas, et al., of which the application for the identification of yourself and your children as Mississippi Choctaws, is a part.

Respectfully,

SIGNED *Tamm C. Kirby*
Commissioner.

No. 4583

For Identification as a Mississippi Choctaw.

JAN 27 1902

Date
Name William E. Aston

Age 32 - Blood 1/32

Post Office, Valley View, Texas.

Father: Hugh L. Aston, l. &

Mother: Margaret K. " l.

Claims through mother
wife Jennie F. Aston, l. w.
No claim for wife.

* Children:

Eula M. Aston, F 12

Verna H. " M. 9

Jessie " F 7

Willie E. " F 6

Lonie H. " F 11

William E. " Jr. 8m.

Claims for self and
children

G. R. ...

Choctaw MCR 4584

Bettie Starks

See MCR 4585

MCR 4584

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Bettie Starks, et al.,
for identification as Mississippi Choctaws, consolidating the appli-
cations of-

Bettie Starks, et al M.C.R. 4584
Ada Griffin, et al " 4585

List of papers forwarded to the Secretary of the Interior
comprising the record in the consolidated case of
Bettie Starks, et al.

	(Page)
Original application of Bettie Starks, et al., before the Dawes Commission for identification as Mississippi Choctaws	1
Testimony of King Wells	6
Testimony of Cass Griffith	7
Original application of Ada Griffin, et al., before the Dawes Commission for identification as Mississippi Choctaws	10
Testimony of Bettie Starks	15
Testimony of King Wells	18
Testimony of Cass Griffith	19
Marriage license of Ed Griffith and Ada Scott	22
Decision of the Commission denying the application of Bettie Starks, et al., for identification as Mississippi Choctaws	23

Department of the Interior
Commission to the Five Civilized Tribes.
Muskogee, I.T. January 28, 1902.

In the matter of the application for identification as Mississippi Choctaws of Bettie Starks, et al., M.C.R. 4584.

In the matter of the application for identification as Mississippi Choctaws of Ada Griffin, et al., M.C.R. 4585.

Applicants not represented by attorney.

King Bells having been called as a witness on behalf of the applicants in the above entitled cases after being duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A King Bells.
Q What is your age? A Eighty-four.
Q What is your post-office address? A Ogden.
Q Arkansas? A Yes sir.
Q Have you made application for identification as a Mississippi Choctaw before this Commission on this date, January 28th, 1902? A Yes sir.
Q Do you know Bettie Starks? A Yes sir.
Q Do you know Ada Griffin? A Yes sir.
Q Has Bettie Starks made application to be identified on this date as a Mississippi Choctaw? A Yes sir.
Q Has Ada Griffin also made application to-day to be identified as a Mississippi Choctaw? A Yes sir.
Q Are you in any way related to Bettie Stark? A She is my step-daughter.
Q You are not related to Ada Griffin? A No sir.
Q What do you know about Bettie Starks having any Mississippi Choctaw blood? A I knew her mother was a full blood Choctaw.
Q Are you married to her mother? A Yes sir.
Q Is her mother living or dead? A Dead.
Q How do you know her mother was a full blood Choctaw? A From being with her.
Q She told you so? A Yes and I knew that she was.
Q From her appearance? A Yes sir.
Q Did she have straight black hair? A Straight, long black hair.
Q Did she look like a Negro? A No sir; like an Indian.
Q Could she speak the Choctaw language? A She had a son that could talk it and I reckon she could.
Q How long did you live with her? A About nine years.
Q And during all of that time you never heard her speak the Choctaw language? A I heard her speak it a little, she could a sort of entertain it.
Q But a Choctaw could not understand her? A I expect he could.
Q She could speak Choctaw enough then to speak the language? A A Yes sir she could talk a little.
Q So she could carry on a conversation with Choctaws? A Yes sir.
Q Now a little while ago you said you did not know anything about it? A Well I did not know that what she could speak was any account. I take it back.
Q Now you say you take it back? A Yes sir.
Q What is it you take back? A What I said.

- Q That she could not speak Choctaw? A No.
- Q What are you taking back? A What I said.
- Q Take back that she could speak Choctaw? A Well I said at first that she could but I take it back; she could sort of mumble it.
- Q Did you ever hear her mumble it very much? A I heard her talk it.
- Q But she could not do it very well? A Not very well.
- Q How do you whether she could or not; you could not understand it? A No I could not, that is why I said it was not right.
- Q Do you know a single word of the Choctaw language yourself? A No sir.
- Q How did your wife, or any of the ancestors of Bettie Starks ever live in the state of Mississippi? A My wife lived there.
- Q Did she live there in eighteen hundred and thirty? A Yes sir.
- Q Did she have a family there in eighteen hundred and thirty? A Yes sir.
- Q She had a family in 1830 did she? A Yes sir.
- Q How old was your wife when she died? A My wife was sixty-two I think when she died.
- Q And she died when? A She died in 1869.
- Q She would be about ninety-five years if living now? A Yes sir.
- Q She would have been about twenty-four years old in the year eighteen hundred and thirty would she not? A Yes sir.
- Q Now you say she was married in eighteen hundred and thirty? A Yes sir.
- Q Who to? A To a man called Luke.
- Q Did she have children there at that time? A Yes sir.
- Q In Mississippi that was? A Yes sir.
- Q Do you know whether she, that is the mother of Bettie Starks, do you know whether she complied with article fourteen of the treaty of eighteen hundred and thirty? A No sir I do not.
- Q Did you state whether or not your wife was a slave before the War? A She was a slave.
- Q Was she a slave in Mississippi at that time? A Yes sir.
- Q You don't know whether she ever went to the Indian Agent Colonel Ward and told him that she wanted to stay there and become a citizen of the United States? A I don't know.
- Q Is Ada Griffin a niece of Bettie Starks? A Yes sir.
- Q And therefore claims through the same ancestor through whom you r wife and Bettie Stark claims? A Yes sir.
- Q Do you know anything further about her ancestors having complied with the fourteenth article of the treaty of eighteen hundred and thirty? A No sir.
- Q Whatever testimony you have given in relation to Bettie Starks ancestry and in relation to your wife's Choctaw blood you would also give in relation to Ada Griffin? A Yes sir.
- Q Is there anything further you want to say in regard to their having Choctaw blood? A No sir there is nothing further that I can think of.

Witness excused.....

Cass Griffith having been called as a witnesses in behalf of the applicants in the foregoing cases after being duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Cass Griffith.
- Q What is your age? A Well I think I am about eighty-one or two years old.
- Q What is your post office address? A Richmond, Arkansas, Little River County.

- Q Do you claim any Choctaw blood? A No sir.
- Q Were you a slave before the War? A Yes sir.
- Q You are not here to make application for yourself? A No sir.
- Q Do you know anything about these two people Bettie Starks and Ada Griffin, their having Choctaw blood? A Yes sir.
- Q What do you know about Bettie Starks having Choctaw blood? A Well I knew her mother and knew where her mother came from.
- Q Where did her mother come from? A From Rankin County, Mississippi.
- Q Was she living in Mississippi in eighteen hundred and thirty? A Yes sir.
- Q Was she a slave there at that time? A Yes sir.
- Q And were you at that time a slave in Mississippi? A Yes sir.
- Q Did she have a family there in Mississippi in eighteen hundred and thirty? A Yes she had some.
- Q What was her masters name, do you know? A Jones-----let me see--
- Q You don't know his first name? A No sir.
- Q She was not married at that time; slaves did not marry? A No sir.
- Q In eighteen hundred and thirty she was not married? A No sir.
- Q Slaves did not marry? A No sir they married afterwards.
- Q Did you know her husband there in eighteen hundred and thirty? A No sir.
- Q Was he a slave there? A I did not know him.
- Q If she had any children in eighteen hundred and thirty they were also slaves? A Yes sir; they were bound to be.
- Q You never heard that she went to Colonel Ward in Mississippi within six months after the ratification of the treaty of eighteen hundred and thirty and told him that she wanted to become a citizen of the United States? A No sir I never heard.
- Q Well she could not have done that; she was a slave and not free to do as she pleased? A No sir.
- Q And the same testimony you have given in regard to her as the mother of Bettie Starks you also wish to give in regard to Ada Griffin? A Yes sir.
- Q What relation was Ada Griffin to Bettie Starks? A Bettie Starks is her aunt.
- Q Now what relation was the mother of Bettie Starks to Ada Griffin? A Grandmother.
- Q So Ada Griffin claims through this same Grandmother who you knew in Mississippi? A Yes sir; some times they called her Lottie but her name was Charlotte.
- Q Do you know anything further about Bettie Starks having Choctaw blood or about Ada Griffin having Choctaw blood? A Not only from the mother.
- Q Tell me how she looked? A She had been bright but turned dark to the color of an Indian but she had straight hair and her hair was black and coarse.
- Q Do you understand how it was that she was a slave if she had Indian blood? A It was my understanding that she was a young girl and was stolen away from the Indians by a man named Jones.
- Q Where did she live at that time? A In Rankin County, Mississippi.
- Q Did you ever hear that many Choctaw Indians were stolen and made slaves? A Yes sir; there were a heap of them in Mississippi.
- Q That is so? A Yes sir.
- Q And you say that it was customary to steal Indian girls and boys and make them slaves? A Yes sir; it was customary.
- Q Is there anything more you want to say in support of this claim? A I don't know when I will come back.

Q I mean about the cases of these two people? A No sir.

Q. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled causes on January 22, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said causes on said date of January 22, 1902.

Subscribed and sworn to before me this 29th day of January 1902.

David Mitchell
Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes
Muskogee, I.T. January 28, 1902.

4584

In the matter of the application for identification as Mississippi Choctaws of Bettie Starks for herself and her six minor children, Loretta, Burrill, Alexander, Gertie, McKinley and Sullivan Starks.

Applicants not represented by attorney?

Bettie Starks having been first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Bettie Starks.
Q What is your age? A Forty-one.
Q What is your post office address? A Ogden, Arkansas.
Q How long have you lived there? A I have lived there about thirteen years round about there.
Q Where did you live before that? A Out on Little River.
Q In Arkansas? A Yes sir.
Q Where were you born? A I was born there near Patonville.
Q In Arkansas? A Yes sir.
Q Is your father living? A No sir.
Q Is your mother living? A No sir.
Q What was your father's name? A Luke Nichols.
Q What was your mother's name? A Charlotte.
Q Through which parent do you claim Choctaw blood? A Through my mother.
Q How much Choctaw blood do you claim? A I claim my mother was a full blood Choctaw so she said.
Q Your mother was said to be full? A Yes sir.
Q And you claim one-half of that? A Yes sir.
Q You claim one-half Choctaw blood then? A Yes sir.
Qx Now then what was your father's blood? A None.
Q Well he had some blood; was it colored? A Yes sir he was dark complected like this man here? (indicating)
Q Was he a slave before the War, your father? A Yes sir.
Q Was your mother? A Yes sir.
Q You were a slave then at one time? A I reckon so, I was bound to be if she was.
Q In Arkansas? A Yes sir.
Q Now your mother Charlotte was one-half Choctaw blood; what was the other half? A No sir; I don't claim that my mother was half, she was whole Choctaw Indian and my father was all colored.
Q Now you say your mother was a full blood Choctaw Indian; how was it she happened to be a slave before the War? A I claim that she claimed she was stolen.
Q Stolen from the Indians and made a slave? A Yes sir.
Q Are you married? A Yes sir.
Q What is your husband's name? A Dudley Starks.
Q He is living? A Yes sir.
Q Is he a negro? A Yes sir.
Q You make no claim for him then as a Choctaw Indian? A No sir.

#2

- Q Have you any children under twenty-one years of age and unmarried that you want to make application for? A Six; I have seven altogether; one over twenty-one.
- Q Are any of these six children married? A No sir.
- Q What is the name of the oldest-one of twenty-one? A Luretta.
- Q Are these all the children of Dudley Starks? A Yes sir.
- Q How old is Luretta? A Eighteen.
- Q Not married? A No sir.
- Q What is the name of the next? A Burrill.
- Q How old is Burrill? A He is going on seventeen.
- Q Now the name of the next? A Alexander.
- Q How old is Alexander? A Fourteen.
- Q Next? A Is a little girl Gertie.
- Q How old is Gertie? A Eight.
- Q The next? A McKinley.
- Q How old is McKinley? A He is seven.
- Q What is the name of the next child? A Sullivan.
- Q How old is Sullivan? A Three years going on four.
- Q Is that all the children you have? A Yes sir.
- Q You claim for yourself and these children do you? A Yes sir.
- Q Is Dudley Starks the father of these children? A Yes sir.
- Q You are the mother? A Yes sir.
- Q They all live with you at your home? A Yes sir.
- Q You claim for them through your mother? A Yes sir.
- Q When and where were you married to your husband Dudley Starks, if you remember? A Well I could not exactly remember.
- Q Have you proof of your marriage with your husband? A Yes sir.
- Q You can introduce that any time can you? A Yes sir.
- Q Is your name or the name of these children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir I don't know whether they is or not.
- Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A I don't know.
- Q She never lived in the Indian Territory? A No sir.
- Q And died in Arkansas? A Yes sir.
- Q Was a slave up to the time of the emancipation? A Yes sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself or your minor children to the Choctaw tribal authorities? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and these children to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir I did not.
- Q Have you or your minor children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
- Q This is the first application you have ever made for yourself and children for citizenship? A Yes sir.
- Q Do you now come before the Commission for the purpose of identifying yourself and your minor children as Mississippi Choctaws, claiming under article fourteen of the treaty of eighteen hundred and thirty? A Yes sir.
- Q Do you understand that treaty? A I don't exactly understand it.
- Q Do you read? A I can read a little.
- Q Did you ever read the treaty of eighteen hundred and thirty? A No sir.
- Q You don't know anything about article fourteen of that treaty? A No sir.
- Q Do you know what a treaty is? A No sir.

- Q Do you know what a contract or agreement in writing is where two or more persons make a contract and put their names down; you understand that? A Yes sir.
- Q Well a treaty is a contract or more properly a compact in writing made between two or more Nations instead of individuals and an article in a treaty is a subdivisions of the treaty.

A treaty was made between the United States government and the Choctaw tribe of Indians at a place called Dancing Rabbit Creek in Mississippi on the twenty-seventh day of September eighteen hundred and thirty and was made for the principal purpose of removing all of the Choctaws who lived in the old Choctaw Nation which was partly in Mississippi and partly in Alabama from that old Choctaw Nation to the Choctaw Nation Indian Territory, but, before the treaty was signed it became evident that a good many Choctaw Indians would not go to the Choctaw Nation, Indian Territory under the provisions of that treaty with the other Indians and in order to protect their interests article fourteen was put into the treaty. The treaty was then signed and on the twenty-fourth day of February eighteen hundred and thirty-one it was ratified with that article in it. Now article fourteen reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That is the article which was put into the treaty of eighteen hundred and thirty for the especial benefit of the Mississippi Choctaw Indians who remained in Mississippi after the treaty was ratified.

- Q Do you think you understand that now after I have explained it to you? A Yes sir.
- Q Do you know whether any of your Choctaw ancestors complied or attempted to comply in any way with the provisions of this article of that treaty as read to you? A No sir.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw; you know what is meant by ancestor? A No sir.
- Q I mean your kin-folks way back through whom you claim your right to be identified, your father, mother, grandfather, grandmother, great grandfather or great grandmother; who do you claim through? A I claim through my mother's father.
- Q What was his name? A Joe Jenkins.
- Q Did he live in the state of Mississippi? A Yes sir.
- Q Where did he live in Mississippi? A I don't know.
- Q Did he die in Mississippi? A Yes sir.

#4

- Q How old was he when he died? A I don't know.
- Q How old would he be if he were living now? A I don't know.
- Q How much Choctaw blood did your mother's father have? A They said he was a full blood Choctaw.
- Q Was he a slave before the war? A She was stolen so they said. My mother was stolen from him.
- Q Was he a slave before the war? A I don't know whether he was a slave or not.
- Q Did he speak the Choctaw language? A They said he did.
- Q Who said he did? A This old man. (indicating)
- Q What is this old man's name? A King Belle.
- Q Do you know anything about your grandfather living in Mississippi what he did there, when he died, when he was born and where he died? A No sir I do not.
- Q Did your mother live in Mississippi? A Yessir.
- Q Did Joe Jenkins or your mother live in Mississippi in eighteen hundred and thirty and have a family there at that time? A Joe Jenkins did; my mother did not have any family.
- Q Joe Jenkins lived in Mississippi in eighteen hundred and thirty and had a family there at that time? A Yes sir.
- Q How do you know that? A My mother told me.
- Q How old would your mother be if she were living now? A She would be something over eighty I think.
- Q She was born in Mississippi? A Yes sir.
- Q Then she would have been about ten years old at the time of the making of this treaty? A I guess so.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in eighteen hundred and thirty? A No sir.
- Q Did any of your Choctaw ancestors within six months after the treaty of eighteen hundred and thirty was ratified go to the United States Indian Agent whose name was Colonel Ward and tell him that they intended to stay in Mississippi, take land there and become citizens of the United States? A No sir I don't know.
- Q You never heard that they did? A No sir I never heard.
- Q Did any of your Choctaw ancestors go from the old Choctaw Nation in Mississippi and Alabama to the Choctaw Nation, Indian territory with the other Indians between the years 1833 and 1838? A No sir not that I know of.
- Q You never heard? A No sir.
- Q Did any of your Choctaw ancestors own or claim or receive any land in Mississippi or Alabama as Choctaw Indians under article fourteen of the treaty of 1830? A No sir I never heard that they did.
- Q Did any of your Choctaw ancestors claim any land or any benefits of any kind under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A No sir I have not heard them say.
- Q Did you ever hear that any of your Choctaw ancestors claimed any benefits as Choctaw Indians under any treaty made between the United States government and the Choctaw Indians other than the treaty of 1830? A No sir.

Q The Choctaw Indians who resided in the state of Mississippi and who desired to remain there after the treaty of eighteen hundred and thirty was ratified, refusing to go to the Choctaw Nation Indian Territory under that treaty with the other Indians were required in order to take advantage of the provisions of article fourteen of the treaty of 1830 which has been read to you and explained, to go to the United States Indian Agent Colonel Ward who lived in Mississippi at that time had an office there,

and tell him that they wanted to stay in Mississippi, take land there and that they intended to become citizens of the United States. A good many Choctaw Indians did this whose names Colonel Ward, the Indian Agent, failed to put upon the list made by him and now known as Ward's register. A great many Indians made application to him under article fourteen within six months time from the ratification of the treaty whose names he failed to put upon any list made by him. His failure to do this caused a good many Indians who had land in Mississippi and Alabama, in the old Choctaw Nation, to lose their land; the land and the improvements upon the land was taken from them by the government and sold at the public land sales. This caused so many complaints among the Choctaw Indians that Congress in 1837 appointed a Commission by act of March 3rd of that year and this Commission went to the state of Mississippi and heard claimants under article fourteen of the treaty of eighteen hundred and thirty. In 1842 another Commission was appointed for the same purpose by act approved August 23, of that year and this Commission went to Mississippi and heard claimants under article fourteen of the treaty of Dancing Rabbit Creek.

- Q Did any of your Choctaw ancestors go before either of these two Commissions and claim benefits under article fourteen of that treaty? A I never did hear her say.

The act of Congress of August 23rd, 1842 provided, that if any Choctaw Indian proved his claim under article fourteen of the treaty of eighteen hundred and thirty; if it was further shown that he had had land in Mississippi in the Choctaw Nation which the government had taken from him and sold that he should be entitled to select land either in Mississippi, Arkansas, Louisiana or Alabama, to be taken from vacant government lands and that a certificate to that effect should be given him. These certificates were called scrip.

- Q Did any of your Choctaw ancestors receive any such scrip as Choctaw Indians? A Not that I know of.
- Q Have you any documentary, or any other evidence that you want to introduce now; any papers of any kind that you want to give me to file in this case? A Yes sir; we have to send and get them.
- Q Have you witnesses here you want to call in your case? A Yes sir, this old man who knowed my mother.
- Q What is his name? A King Bells.
- Q Do you speak or understand the Choctaw language? A No sir.
- Q Have you any relatives, kin-folks, who have been before the Commission to be identified as Mississippi Choctaws? A No sir I have nobody but myself living.
- Q Have you any relatives here to day who want to make application? A Yes sir that one (indicating)
- Q Is she the only relative you have? A Yes sir.
- Q Is there anything more you want to say in support of your case? A No sir.

This applicant has the appearance and physical characteristics of being descended from African parentage. She claims one-half Choctaw blood but this claim is not apparent in her physical appearance. Hair black, not at all like the hair of an Indian; her color is that of a person in which the negro blood predominates. She does not speak or understand the Choctaw language and has no knowledge of compliance on the part of her ancestors with any of the provisions of the fourteenth article of the treaty of

#6

eighteen hundred and thirty.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on January 28, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of January 1902.

G. Rosenwinkel

Subscribed and sworn to before me this 29 day of January 1902.

Charles Mitchell Wood

Notary Public.

(2)

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Joe Jenkins, who is alleged to have been a full blood Choctaw Indian and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that no one of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw Tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Joe Jenkins, or a less remote ancestor of any of the applicants herein, signified (in person or by proxy) to Solomon W. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress

(3)

approved March 8, 1837 (5 Stats., 150) and August 23, 1842 (5 Stats., 515).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Bettie Starks, Loretta Starks, Burrill Starks, Alexander Starks, Gertie Starks, McKinley Starks, Sullivan Starks, Ada Griffin (or Griffith), Emma Scott, Davis Griffin (or Griffith), Figeon Griffin (or Griffith), Major Perry and Elmo Perry, as Cheateaw Indians entitled to rights in the Cheateaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

(SIGNED)

Tame Bixby.
Acting Chairman.

(SIGNED)

I. B. Needles.
Commissioner.

(SIGNED)

C. R. Breckinridge.
Commissioner.

Muskogee, Indian Territory.

OCT 27 1902

COPY.

M.C.R. 4584

Muskogee, Indian Territory, October 27, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 27th day of October 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Bettie Starks, et al., embracing the following applications for identification as Mississippi Choctaws:

Bettie Starks, et al.,	M.C.R. 4584
Ada Griffin, et al.,	" 4585

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Bettie Starks, Loretta Starks, Burrill Starks, Alexander Starks, Gertie Starks, McKinley Starks, Sullivan Starks, Ada Griffin (or Griffith), Emma Scott, Devie Griffin (or Griffith), Pigeon Griffin (or Griffith), Major Perry and Elmo Perry, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

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You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

[Signature]
Commissioner in Charge.

COPY.

M.C.R. 4584

Muskogee, Indian Territory, October 27, 1902.

Bettie Starks,

Ogden, Arkansas.

Dear Madam:

You are hereby advised that on the 27th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Bettie Starks, et al., embracing the following applications for identification as Mississippi Choctaws:

Bettie Starks, et al.,	M.C.R. 4584
Ada Griffin, et al.,	" 4585

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Bettie Starks, Loretta Starks, Burrill Starks, Alexander Starks, Gertie Starks, McKinley Starks, Sullivan Starks, Ada Griffin (or Griffith), Emma Scott, Dovie Griffin (or Griffith), Pigeon Griffin (or Griffith), Major Perry and Elmo Perry, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is

--2--

so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments, will be forwarded to the Secretary of the Interior for review through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

E. D. Doolittle
Commissioner in Charge.

Registered.

COPY.

Muskogee, Indian Territory, November 12, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Bettie Starks, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 27, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

Bettie Starks, et al.,
Ada Griffin, et al.,

M.C.R. 4584
" 4585

The Commission has the honor to report that the principal applicants in the several separate applications and the attorneys for the Choctaw and Chickasaw Nations have been advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Through the
Commissioner of Indian Affairs.

Enc. M.C.R. 4584.

Tams Dixby.
Acting Chairman.

Miss. Choctaw R4584

Muskogee, Indian Territory, November 19, 1902.

Bettie Starks,

Ogden, Arkansas,

Dear madam:

Receipt is hereby acknowledged of your letter of November 15, asking for an extension of time in your case, and you are advised that on November 11, 1902, the fifteen days heretofore granted for the introduction of argument in support of the application for identification as Mississippi Choctaws of Bettie Starks, et al., having expired, on November 12, 1902, the record in the case was forwarded to the Secretary of the Interior for review. You will be duly notified of the action taken by the Secretary of the Interior in your case.

Respectfully,

Acting Chairman.

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(COPY).

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, FEB. 4, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to submit, herewith, for your consideration, the record of the Commission to the Five Civilized Tribes in the matter of the consolidated application for identification as Mississippi Choctaws of the following parties: Bettie Starks for herself and her six minor children, Loretta, Burrill, Alexander, Gertie, McKinley and Sullivan Starks; Ada Griffin (or Griffith) for herself and her three minor children, Emma Scott, Devie and Pigeon Griffin (or Griffith) and for her two minor brothers, Major and Elmo Perry, wherein a decision adverse to the applicants was rendered by the Commission on October 27, 1902.

The testimony in the case shows that the applicants claim right to identification as Mississippi Choctaws under this application by reason of their descent from Joe Jenkins, who, they claim, was a Choctaw Indian and a resident of the Choctaw Nation in 1830.

The Commission rejected the applicants because the name of their ancestor, through whom they claim, does not appear among the names of those persons who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and for the additional reason that the applicants themselves did not comply or attempt to comply with the provisions of the 14th article of said treaty.

An examination of the records of this office has been made and it is found that the name of Joe Jenkins does not appear among the names of those persons who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

This being true, it is believed that the decision of the Commission rejecting the applicants was correct, and it is recommended that it be approved.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

(E.B.H.)

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L.R.S.

DEPARTMENT OF THE INTERIOR,
WASHINGTON, February 24, 1903.

Commission to the Five Civilized Tribes,

Muskogee, I.T.

Gentlemen:

November 12, 1902, you transmitted the consolidated case embracing the applications for identification as Mississippi Choctaws, of Bettie Starks and her minor children, Luretta, Burrill, Alexander, Gertie, McKinley and Sullivan Starks; and of Ada Griffin (or Griffith) and her minor children, Emma Scott and Dovie Griffin and Pigeon Griffin, and her minor brothers, Major and Elmo Perry. By decision of October 27, 1902, you denied the applications.

The applicants claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of Joe Jenkins who is alleged to have been a full blood Choctaw Indian residing in Mississippi in 1830.

The records fail to show that the applicants were ever admitted or enrolled as citizens of the Choctaw Nation, or that said Joe Jenkins or an ancestor less remote complied or attempted to comply with said article 14, or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 813).

Reporting February 4, 1903, the Acting Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is

inclosed.

The Department affirms your decision.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

M.C.R. 4584

COPY.

Muskogee, Indian Territory, March 11, 1903.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 24th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Bettie Starks, et al., of which decision you were advised by mail on the 27th day of October, 1902.

Respectfully,

Yours truly,

Tams Bixby.
Chairman.

M.C.R. 4584

COPY.

Muskogee, Indian Territory, March 11, 1903.

Bettie Starks,
Ogden, Arkansas.

Dear Madam:

You are hereby notified that on the 24th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Bettie Starks, et al., of which decision you were advised by registered mail on the 27th day of October, 1902.

Respectfully,

(SIGNED)

James Kirby
Chairman.

REFER TO M. G. B. 4584

Betty Starks et al

Consolidated Case

Joe Jenkins

?

Charlotte Jenkins, full
married
Luke Nichols, negro

mch
4584

Bettie Nichols, 4 1/2
married
Dudley Starks, negro

mch
4584

Loretta Starks, 18
" Curvill Starks, 17
" Alexander Starks, 14
" Bertie Starks, 8
" McKinley Starks, 7
" Sullivan Starks, 3

Henrietta Nichols, 2 1/2
married
Major Perry, negro 2

mch
4585

Ada Perry, 24 1/2
married
" Will Scott, negro
" Eddie Griffin, negro

mch
4586

Emma Scott, 5
Dovie Griffin, 4
Pigeon Griffin, 4

mch
4586

Major Perry, 17
" Elmo Perry, 16

No. 3584

For Identification as a Mississippi Choctaw.

Date

JAN 28 1902

Name *Bettie Starks*

Age *41* Blood *1/2*

Post Office, *Ogden, Ark.*

Father: *Luke Nichols* ^{claims d}

Mother: *Charlotte* " ^d

Claims through mother
husband.
Oudley Starks, l. negro.
No claim for husband.

Children:

Loretta Starks. 18

Burrill " 17

Alexander " 14

Gertie " 8

McKinley " 7

Sullivan " 3

Claims for self &
children

Choctaw MCR 4585

Ada Griffin

See MCR 4584

MCR 4585

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, January 28, 1902.

#4585

In the matter of the application of Ada Griffin for the identification of herself and her three minor children, Emma Scott, Dovie Griffin and Pigeon Griffin, and for the identification of her two minor brothers, Major Perry and Elmo Perry as Mississippi Choctaws.

Bettie Starks, being called as a witness in the above entitled cause, and being first duly sworn, upon her oath testifies as follows:

Examination by the Commission.

- Q What is your name? A My name is Bettie Starks.
Q You made application for identification as a Mississippi Choctaw to-day, January 28, did you not? A How?
Q You made application to-day did you not? A Yes sir.
Q Is Ada Griffin your Niece? A Yes sir.
Q Your age is forty-one? A Yes sir.
Q Post Office Ogden, Arkansas? A Yes sir.
Q Did Ada Griffin make application to be identified as a Mississippi Choctaw to-day, January 28? A Sir?
Q She made application to-day didn't she? A Yes sir.
Q She made application for her three children, Emma, Dovie and Pigeon, and she has also made application for her two brothers, Major Perry and Elmo Perry, the former seventeen years of age and the latter sixteen. Are these two boys nephews of yours? A Yes sir.
Q And living with you? A Yes sir.
Q Are you taking care of them? A Yes sir.
Q They live with you at your home in Richmond? A No sir.
Q Where? A Arkansas.
Q Richmond, Arkansas? A Yes sir, in Ogden.
Q Do you give your consent to the application for identification as Mississippi Choctaws made for these two children, Major and Elmo, by their sister, Ada Griffin--do you give your consent that she should do it? A Yes sir, she's at liberty.

(2).

- Q You have the custody of these children? A Yes sir.
Q And you are willing that she should-----that Ada Griffin should make this application? A Yes sir.

Witness excused.

Ada Griffin, the applicant in this case, being recalled, upon her oath testifies as follows:

Re-examination by the Commission.

- Q You have given your name as Ada Griffin have you not? A Yes sir.
Q And that is the name you are known by? A Yes sir.
Q The name you claim? A Yes sir.
Q Now you were married to your husband when? A July-----
Q July, 1898? A Yes sir.
Q July 1898? A Yes sir.
Q At that time, in the marriage license and in the certificate also issued at that time, your husband's name was given as Ed Griffith, E-d G-r-i-f-f-i-t-h. Your name was given as Ada Scott. A Yes sir.
Q Is this Ed Griffith in this marriage license-----A Yes sir---The same Eddie Griffin whom you have stated to-day was your husband? A Yes sir.
Q And he was your second husband was he? A Yes sir.
Q Was Ed Griffith, as named in this marriage license, and Eddie Griffin, whose name you gave to-day the same person? A Yes sir.
Q So that your name was Ada Scott, and is now Ada Griffin, is that right? A Yes sir.
Q And this man Cas Griffith who has appeared here today to testify as a witness in your case is the father of your husband, Eddie Griffin, or Ed Griffith? A Yes sir, Ed.
Q Griffin as you say? A Yes sir.
Q And that is the name Ed Griffith whose name is in this marriage license, is it? A Yes sir.
Q And this old gentleman here Cas Griffith, is the father of your husband and he has given a different name from the name under which you make application? A Yes sir.
Q And you want this name Griffin to be the name under which you make your application? A Yes sir.

Marriage license presented by this applicant Ada Griffin of her marriage as Mrs. Ada Scott to Ed Griffith, who is the same person as the Eddie Griffin, her husband, the name she gives in her application, presented by this applicant, received, filed, marked exhibit "A" and made a part of the record in this case.

(3).

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all the proceedings in the above entitled cause on January 28, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of January, 1902.

Subscribed and sworn to before me this 30 day of January, 1902.

Hal Belford
Carroll Mitchell Wood
Notary Public.

Department of the Interior
Commission to the Five Civilized Tribes.
Muskogee, I.T. January 28, 1902.

In the matter of the application for identification as Mississippi Choctaws of Bettie Starks, et al., M.C.R. 4584.

In the matter of the application for identification as Mississippi Choctaws of Ada Griffin, et al., M.C.R. 4585.

Applicants not represented by attorney.

King Bells having been called as a witness on behalf of the applicants in the above entitled cases after being duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A King Bells.
Q What is your age? A Eighty-four.
Q What is your post-office address? A Ogden.
Q Arkansas? A Yes sir.
Q Have you made application for identification as a Mississippi Choctaw before this Commission on this date, January 28th, 1902?
A Yes sir.
Q Do you know Bettie Starks? A Yes sir.
Q Do you know Ada Griffin? A Yes sir.
Q Has Bettie Starks made application to be identified on this date as a Mississippi Choctaw? A Yes sir.
Q Has Ada Griffin also made application to-day to be identified as a Mississippi Choctaw? A Yes sir.
Q Are you in any way related to Bettie Stark? A She is my step-daughter.
Q You are not related to Ada Griffin? A No sir.
Q What do you know about Bettie Starks having any Mississippi Choctaw blood? A I know her mother was a full blood Choctaw.
Q Are you married to her mother? A Yes sir.
Q Is her mother living or dead? A Dead.
Q How do you know her mother was a full blood Choctaw? A From being with her.
Q She told you so? A Yes and I knew that she was.
Q From her appearance? A Yes sir.
Q Did she have straight black hair? A Straight, long black hair.
Q Did she look like a Negro? A No sir; like an Indian.
Q Could she speak the Choctaw language? A She had a son that could talk it and I reckon she could.
Q How long did you live with her? A About nine years.
Q And during all of that time you never heard her speak the Choctaw language? A I heard her speak it a little, she could a sort of entertain it.
Q But a Choctaw could not understand her? A I expect he could.
Q She could speak Choctaw enough then to speak the language? A A Yes sir she could talk a little.
Q So she could carry on a conversation with Choctaws? A Yes sir.
Q How a little while ago you said you did not know anything about it? A Well I did not know that what she could speak was any account. I take it back.
Q Now you say you take it back? A Yes sir.
Q What is it you take back? A What I said.

#2

- Q That she could not speak Choctaw? A No.
Q What are you taking back? A What I said.
Q Take back that she could speak Choctaw? A Well I said at first that she could but I take it back; she could sort of mumble it.
Q Did you ever hear her mumble it very much? A I hard her talk it.
Q But she could not do it very well? A Not very well.
Q How do you whether she could or not; you could not understand it?
A No I could not, that is why I said it was not right.
Q Do you know a single word of the Choctaw language yourself? A No sir.
Q Now did your wife, or any of the ancestors of Bettie Starks ever live in the state of Mississippi? A My wife lived there.
Q Did she live there in eighteen hundred and thirty? A Yes sir.
Q Did she have a family there in eighteen hundred and thirty? A Yes sir.
Q She had a family in 1830 did she? A Yes sir.
Q How old was your wife when she died? A My wife was sixty-two I think when she died.
Q And she died when? A She died in 1869.
Q She would be about ninety-five years if living now? A Yes sir.
Q She would have been about twenty-four years old in the year eighteen hundred and thirty would she not? A Yes sir.
Q Now you say she was married in eighteen hundred and thirty? A Yes sir.
Q Who to? A To a man called Luke.
Q Did she have children there at that time? A Yes sir.
Q In Mississippi that was? A Yes sir.
Q Do you know whether she, that is the mother of Bettie Starks, do you know whether she complied with article fourteen of the treaty of eighteen hundred and thirty? A No sir I do not.
Q Did you state whether or not your wife was a slave before the War? A She was a slave.
Q Was she a slave in Mississippi at that time? A Yes sir.
Q You don't know whether she ever went to the Indian Agent Colonel Ward and told him that she wanted to stay there and become a citizen of the United States? A I don't know.
Q Is Ada Griffin a niece of Bettie Starks? A Yessir.
Q And therefore claims through the same ancestor through whom you r wife and Bettie Stark claims? A Yes sir.
Q Do you know anything further about her ancestors having complied with the fourteenth article of the treaty of eighteen hundred and thirty? A No sir.
Q Whatever testimony you have given in relation to Bettie Starks ancestry and in relation to your wife's Choctaw blood you would also give in relation to Ada Griffin? A Yes sir.
Q Is there anything further you want to say in regard to their having Choctaw blood? A No sir there is nothing further that I can think of.

Witness excused.....

Cass Griffith having been called as a witnesses in behalf of the applicants in the foregoing cases after being duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Cass Griffith.
Q What is your age? A Well I think I am about eighty-one or two years old.
Q What is your post office address? A Richmond, Arkansas, Little River County.

- Q Do you claim any Choctaw blood? A No sir.
- Q Were you a slave before the War? A Yes sir.
- Q You are not here to make application for yourself? A No sir.
- Q Do you know anything about these two people Bettie Starks and Ada Griffin, their having Choctaw blood? A Yes sir.
- Q What do you know about Bettie Starks having Choctaw blood? A Well I knew her mother and knew where her mother came from.
- Q Where did her mother come from? A From Rankin County, Mississippi.
- Q Was she living in Mississippi in eighteen hundred and thirty? A Yes sir.
- Q Was she a slave there at that time? A Yes sir.
- Q And were you at that time a slave in Mississippi? A Yes sir.
- Q Did she have a family there in Mississippi in eighteen hundred and thirty? A Yes she had some.
- Q What was her masters name, do you know? A Jones-----let me see--.
- Q You don't know his first name? A No sir.
- Q She was not married at that time; slaves did not marry? A No sir.
- Q In eighteen hundred and thirty she was not married? A No sir.
- Q Slaves did not marry? A No sir they married afterwards.
- Q Did you know her husband there in eighteen hundred and thirty? A No sir.
- Q Was he a slave there? A I did not know him.
- Q If she had any children in eighteen hundred and thirty they were also slaves? A Yes sir; they were bound to be.
- Q You never heard that she went to Colonel Ward in Mississippi within six months after the ratification of the treaty of eighteen hundred and thirty and told him that she wanted to become a citizen of the United States? A No sir I never heard.
- Q Well she could not have done that; she was a slave and not free to do as she pleased? A No sir.
- Q And the same testimony you have given in regard to her as the mother of Bettie Starks you also wish to give in regard to Ada Griffin? A Yes sir.
- Q What relation was Ada Griffin to Bettie Starks? A Bettie Starks is her aunt.
- Q Now what relation was the mother of Bettie Starks to Ada Griffin? A Grandmother.
- Q So Ada Griffin claims through this same Grandmother who you knew in Mississippi? A Yes sir; some times they called her Lottie but her name was Charlotte.
- Q Do you know anything further about Bettie Starks having Choctaw blood or about Ada Griffin having Choctaw blood? A Not only from the mother.
- Q Tell me how she looked? A She had been bright but turned dark to the color of an Indian but she had straight hair and her hair was black and coarse.
- Q Do you understand how it was that she was a slave if she had Indian blood? A It was my understanding that she was a young girl and was stolen away from the Indians by a man named Jones.
- Q Where did she live at that time? A In Rankin County, Mississippi.
- Q Did you ever hear that many Choctaw Indians were stolen and made slaves? A Yes sir; there were a heap of them in Mississippi.
- Q That is so? A Yes sir.
- Q And you say that it was customary to steal Indian girls and boys and make them slaves? A Yes sir; it was customary.
- Q Is there anything more you want to say in support of this claim? A I don't know when I will come back.

#4

Q I want about the cases of these two people? A No sir.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled causes on January 22, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said causes on said date of January 22, 1902.

G. Rosenwinkel

Subscribed and sworn to before me this 20th day of January 1902.

Carroll Wood
Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. January 28, 1902.

4585

In the matter of the application for identification as Mississippi Choctaws of Ada Griffin for herself, her three minor children, Emma Scott, Dovie and Pigeon Griffin, and her two minor brothers, Major and Elmo Perry.

Applicants not represented by attorneys.

Ada Griffin being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Ada Griffin, I am twenty-four.
Q What is your place? A Richmond, Arkansas.
Q How long have you lived at Richmond? A Five years.
Q Where did you live before that? A Ogden, Arkansas.
Q Have you always lived in Arkansas? A Yes sir.
Q You were born where; in what place? A I don't know.
Q Is your father living? A My mother and father is both dead.
Q What was your father's name? A Major Perry.
Q What was your mother's name? A Henrietta Perry.
Q Through which parent do you claim Choctaw blood? A Mother I guess.
Q Don't you know? A On my mother's side.
Q Then you don't guess that? A No sir; my mother's side.
Q How much Choctaw blood do you claim? A I don't know sir. My mother was half Choctaw.
Q Then you would claim half of that? A Yes sir.
Q How much one-half of one-half? A I don't know.
Q Do you know that one-half of one-half is one-quarter, have you ever heard that it was? A No answer.
Q You don't know? A No but I guess so.
Q What was your father's blood? A African I reckon.
Q You ought to you what your father was? A Well he was a black man.
Q Was he a slave before the War? A My father was.
Q Was your mother? A I don't know.
Q Did you ever hear that she was a slave? A No sir.
Q Did you ever hear that she was stolen? A I heard that she was stolen from her mother.
Q And you claim that she was one-half Choctaw? A Yes sir.
Q And one-half negro? A No sir she was not dark.
Q Did she have any white blood? A I don't know sir.
Q Then it must have been one-half Choctaw and one-half negro? A I don't know, she was mighty bright.
Q Are you married? A Yes sir.
Q What is your husband's name? A Eddie Griffin.
Q Is he living? A Yes sir.
Q Is he a negro? A Yes sir.
Q You make any claim for him as having Choctaw blood? A No sir.
Q Have you any children under twenty-one years of age and unmarried that you want to make application for? A Yes sir.
Q How many have you? A Three.

#2

- Q What is the name of the oldest? A Emma.
Q How old is Emma? A Five years.
Q The next? A Dove.
Q Is that a girl? A Yes sir.
Q How old is Dove? A Four years old.
Q The next? A Pigeon.
Q Is that a girl? A Yes sir.
Q How old is Pigeon? A She is four years old; they are twins.
Q You make application for these children and yourself do you? A
A Yes sir.
Q Is Eddie Griffin the father of all of these children? A He is
the father of the twins. Emma she is not a Griffin; she is a Scott
her father was a Scott.
Q Eddie Griffin then is the father of Dove and Pigeon? A Yes sir
Q And who is the father of Emma Scott? A Will Scott.
Q Is he living? A Yes sir; but I am not living with him.
Q Were you married to him? A Yes sir.
Q And you were divorced? A Yes sir.
Q Did you get a divorce from him? A Yes sir.
Q In what Court was that divorce granted? A In the Circuit
Court of Richmond. He went to the Pen and I got a divorce from
him.
Q When did you get that divorce from him? A I got the divorce
from him about five years this July.
Q Did you have the custody of Emma given you by the Court at that
time? A No sir.
Q Was Emma Scott born before the time of this divorce? A Yes sir.
Q Did the Court give you that child? A No sir we never had the child
about the Court.
Q You never said anything about the child? A No sir.
Q But you just kept the child? A Yes sir.
Q There was nothing in your petition for the divorce about the
child or asking for its custody? A No sir.
Q Was Will Scott a colored man? A Yes sir.
Q You claim Choctaw blood for your daughter Emma then through you?
A Yes sir.
Q And you claim through your mother Henrietta? A Yes sir.
Q Eddie Griffin then is your second husband? A Yes sir.
Q Has your mother ever been recognized in any manner or enrolled
as a member of the Choctaw tribe of Indians by the Choctaw
tribal authorities or the authorities of the United States in
Indian Territory? A I don't know sir.
Q Do you want to make application for any other children besides
these three children, Emma Scott, Dove and Pigeon Griffin? A
I want to make application for my minor brothers.
Q What is the name of your oldest brother? A Major Perry.
Q How old is Major? A Seventeen.
Q How much Choctaw blood does he have, the same as you? A Yes sir.
Q One-fourth? A Yes sir.
Q What is the name of the next brother? A Elmo Perry.
Q Are both of these boys? A Yes sir.
Q How old is Elmo? A Sixteen.
Q Where do they live; what post office address? A Ogden.
Q What is the name of the father of these boys? A Major Perry.
Q Is he dead? A Yes sir.
Q What is the name of the mother? A Henrietta Perry.
Q Dead? A Yes sir.
Q These are your parents? A Yes sir.
Q You claim for your brothers through the same source through
which you claim? A Yes sir.

#3

- Q You never have been appointed guardian for these minor brothers have you? A No sir.
- Q They are living with this aunt? A Yes sir.
- Q Her name is Bettie Starks? A Yes sir.
- Q And you are making application for them now because their father and mother are both dead and because they live a long ways from here and because you think that if you do not put this application in now that perhaps no one will ever make application for them? A Yes sir.
- Q Is your name or the names of any of these minor children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A Is my children's name?
- Q Is your name or the names of any of these children on any of the tribal rolls in Indian Territory; you never lived in the Indian Territory? A No sir.
- Q Did you ever make application for your self or your children or these brothers or any one for them for citizenship in the Choctaw Nation, to the Choctaw tribal authorities in Indian Territory? A No sir.
- Q Have you ever made application or any one for you or these minor children for citizenship in the Choctaw Nation to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
- Q Have you or your children or these two minor brothers of yours ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.
- Q Do you now come before the Commission for the purpose of identifying yourself and your children and also your two minor brothers as Mississippi Choctaws claiming under article fourteen of the treaty of eighteen hundred and thirty? A Yes sir.
- Q Do you understand that article of that treaty? A No sir I don't know what that treaty means.

The treaty of eighteen hundred and thirty was made between the United States government and the Choctaw tribe of Indians at a place in Mississippi called Dancing Rabbit Creek on the twenty-seventh day of september eighteen hundred and thirty and was made for the purpose of removing the Choctaw Indians who lived in the old Choctaw Nation in Mississippi and Alabama to the Choctaw Nation Indian Territory. Before the treaty was signed it became known that a good many Indians would not go to the Choctaw Nation Indian Territory and in order to protect their interests article fourteen was put into the treaty. That article reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizens but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

#4

- Q Did any of your ancestors comply with that article; do you know?
A No sir I don't know.
- Q What is the name of you Choctaw ancestor through whom your right to be identified as a Mississippi Choctaw; who do you claim through? A No answer.
- Q Do you claim through your father's mother and father or your mother's father and mother? A I claim through my mother's mother.
- Q Her name was what? A Charlotte.
- Q Charlotte what? A I don't know aunt will have to tell that.
- Q Who was Joe Jenkins? A That was her father.
- Q Charlotte's father? A I guess so.
- Q Well do you know? A No sir, I will tell you the truth I don't know.
- Q Well your aunt claims through Joe Jenkins her grandfather; now is he your great grandfather? A Yes sir.
- Q Are you sure about that? A Yes sir.
- Q Then you claim through Joe Jenkins your great grandfather? A A Yes sir.
- Q And his daughter's name was Charlotte? A Yes sir.
- Q And her daughters name was Henrietta? A Yes sir.
- Q Did Joe Jenkins live in Mississippi in eighteen hundred and thirty? A I don't know.
- Q Do you know whether he ever lived in Mississippi? A No sir I do not.
- Q Did your grandmother live in Mississippi? A I heard she did.
- Q Did your mother live in Mississippi? A I don't know.
- Q Can you give the names of any of your relatives or ancestors who lived in Mississippi at any time? A No sir.
- Q You don't know? A No sir.
- Q How much Choctaw blood did Joe Jenkins claim? A I don't know sir.
- Q How old would he be if living now? A I don't know.
- Q How old would your grandmother Charlotte be if she were living now? A I don't know.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of eighteen hundred and thirty go to the United States Indian Agent whose name was Colonel Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States? A I don't know sir.
- Q Did any of your Choctaw ancestors go from Mississippi and Alabama to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838? A I could not say.
- Q Did any of them own or claim any land in Mississippi under article fourteen? A I don't know I guess they did.
- Q Did they own or claim any land in Mississippi or Alabama under any other article of the treaty of eighteen hundred and thirty than article fourteen or under the supplement of the treaty? A I don't know.
- Q You never heard? A No sir.
- Q Do you know whether any of your Choctaw ancestors claimed any benefits under any other treaty made between the United States government and the Choctaw tribe of Indians other than the treaty of eighteen hundred and thirty? A No sir I don't know.

A good many Indians stayed in Mississippi and Alabama after the treaty of eighteen hundred and thirty was ratified refusing to go to the Choctaw Nation with the other Indians and in order that their interests might be protected article fourteen was put into the treaty after which it was signed and after that

ratified and these Indians by the provisions of that article were required to go to the United States Indian Agent within six months from the ratification of the treaty and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States, if they did this they might become beneficiaries under that article fourteen of that treaty. Now, a good many Indians did that whose names the United States Indian Agent Colonel Ward neglected to put upon his list known as Ward's register. This caused Indians who had land in Mississippi, the government took it from them with the improvements upon the land and sold both at the public land sales. This caused a great many complaints among the Indians so that in 1837 Congress appointed a Commission to go to Mississippi and hear claimants under article fourteen of that treaty. They did so and made list of all claimants who appeared before them. In 1842 Congress appointed another Commission for the same purpose. This Commission also heard claimants under article fourteen who came before it in Mississippi and made lists of their names.

- Q Did any of your Choctaw ancestors go before either of these two Commissions and claim benefits under article fourteen of the treaty of eighteen hundred and thirty? A I don't know.
- Q Did you ever hear that any of your Choctaw ancestors received any certificates or as it was in those days called scrip, from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas to take the place of land that they had formerly held in the old Choctaw Nation and which the government had taken from them? A No sir.
- Q Is Bettie Starks your aunt? A Yes sir.
- Q She made application on this date to be identified as a Mississippi Choctaw? A Yes sir.
- Q Do you want to have her testimony considered with yours when yours is considered by the Commission? A Yes sir.
- Q Have you any evidence or proof that you want to introduce further at this time? A No sir not any but Grandpa'.
- Q What is his name? A King Bells.
- Q You have witnesses that you would like to introduce later? A I don't know whether you need him or not.
- Q Do you speak the Choctaw language? A No sir; I had an uncle that could but I can't.

This applicant has the appearance and physical characteristics of being descended from African and Negro parentage. She claims one-quarter Choctaw blood. She is lighter colored than the full blood negro. She claims mixed blood and says that it is Choctaw mixed with Negro; she does not claim any white blood. Her color would indicate, a features, a mixture of either white and Negro or white, negro and Choctaw. She has no knowledge of the Choctaw language and no knowledge of compliance on the part of her ancestors with any of the provisions of the fourteenth article of the treaty of eighteen hundred and thirty. She further states that her father and mother were slaves.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on January 28, 1902 and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of January 1902.

Subscribed and sworn to before me this 29 day of January 1902.

G. Rosenwinkel
W. A. Mitchell Notary Public.

COPY.

M.C.R. 4585

Muskogee, Indian Territory, October 27, 1902.

Ada Griffin,

Richmond, Arkansas.

Dear Madam:

You are hereby advised that on the 27th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Bettie Starks, et al., embracing the following applications for identification as Mississippi Choctaws:

Bettie Starks, et al.,	M.C.R. 4584
Ada Griffin, et al.,	" 4585

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Bettie Starks, Loretta Starks, Burrill Starks, Alexander Starks, Gertie Starks, McKinley Starks, Sullivan Starks, Ada Griffin (or Griffith), Emma Scott, Dovie Griffin (or Griffith), Pigeon Griffin (or Griffith), Major Perry and Elmo Perry, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

--2--

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

C. E. Brock
Commissioner in Charge.

Registered.

M.C.R. 4585

COPY.

Muskogee, Indian Territory, March 11, 1903.

Ada Griffin,

Richmond, Arkansas.

Dear Madam:

You are hereby notified that on the 24th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Bettie Starks, et al., of which decision you were advised by registered mail on the 27th day of October, 1902.

Respectfully,

SIGNED

Tame Bixby.

Chairman

No. 4585

For Identification as a Mississippi Choctaw.

Date JAN 28 1902

Name Ada Griffin.

Age 24 - Blood 1/4

Post Office, Richmond, Ark

Father: Major Perry, ^{Colored} d.

Mother: Henrietta " d.

Claims through mother.

Husband d.

2nd) Eddie Griffin, l. neg.

No claim for husband.
Will Scott, l. neg. during
father of Emma Scott
(1st husband)

Children:

Emma ^{Scott} Griffin, 5

Dovie } Griffin F 4

Pigeon } " F 4

Claims for self and
5 minors.

Major Perry, 17, ^{1/4} chn. (P.O.
Elmo " 16 " 3/4 Ogden Ark
father, Major Perry (d.)
mother, Henrietta " (d.)

Choctaw MCR 4586

King Bells

MCR 4586

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of King Bells, et al.,
for identification as Mississippi Choctaws, M.C.R. 6586.

List of papers forwarded to the Secretary of the Interior
comprising the record in the case of
King Bells, et al.

	(Page)
Original application of King Bells, et al., before the Daves Commission for identification as Mississippi Choctaws	1
Decision of the Commission denying the application of King Bells, et al., for identification as Mississippi Choctaws	6

Department of the Interior
Commission to the Five Civilized Tribes.
Muskogee, I.T. January 28, 1902.

4586

In the matter of the application for identification as Mississippi Choctaws of King Bells for himself and his minor son Andrew Bells.

Applicants not represented by attorney.

King Bells being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A King Bells.
- Q What is your age? A Eighty-four years old.
- Q What is your post-office address? A Well I will take Ogden down here.
- Q How long have you lived there? A I have lived right around there about sixty years.
- Q Where were you born? A In the state of North Carolina.
- Q You know in what place? A Yes; twenty-five miles below Halifax in Bertie County.
- Q How long did you live in North Carolina? A I left there in September 1847.
- Q From there you came where? A To Arkansas.
- Q And have lived there ever since? A Yes ever since.
- Q What is your father's name? A Jim Bells.
- Q Is he living? A I don't know if he is. If he is as old as I am he must be dead. He is an Indian he might be living; they don't die quick.
- Q What is your mother's name? A Lavinia.
- Q Is she living or dead? A She was living the last time I heard of her.
- Q Through which parent do you claim Choctaw blood? A I claim on both sides, father and mother. All of them was Indians.
- Q Have your parents ever been recognized in any way or enrolled as members of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States in Indian Territory? A I was so far from them at the time that I don't know. I expect they was though.
- Q Do you know whether they ever lived in the Choctaw Nation in Mississippi or Alabama or in the Indian Territory? A Some of my father's folks lived in Mississippi at the time the Indians had to leave Mississippi. They had to leave there a long time ago; there was a rumor come up about it but anyway they had to leave there. My father had a brother there by the name of Carry.
- Q How much Choctaw blood do you claim? A About two thirds.
- Q Were you a slave before the War? A Yes sir.
- Q Was your father? A No sir.
- Q Was your mother? A Yes sir.
- Q How much Choctaw blood did your father have? A He was a full blood.
- Q How much Choctaw blood did your mother have if any? A She was about one-half.
- Q And one-half Negro? A Yes sir.
- Q How did she happen to become a slave if she had Choctaw blood? A Well she was a slave you see, when my father got her she was a slave, when he married her.

#2

- Q How did she happen to become a slave? A I don't know.
- Q Are you married? A No sir my wife is dead.
- Q Is this child that you are going to make application for for the child of this wife who is dead?; give me the name of the mother of this child for whom you intend to make application?
- A Her name was Millie.
- Q Is she a Negro? A Yes sir.
- Q Was she a slave before the War? A Yes sir.
- Q She is dead? A Yes sir.
- Q What is the name of this child that you want to make application for? A Andrew.
- Q How old is Andrew? A He is nine years old.
- Q And Millie is his mother? A Yes sir.
- Q Is this all the children you want to make application for? A Yes; only that one.
- Q Is your name on any of the tribal rolls of the Choctaw Nation or is the name of your son on any of these rolls, in Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and your son to the Choctaw tribal authorities in Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Dawes Commission for yourself and your son under the act of Congress of June 10, 1896? A No sir.
- Q Have you or your son ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A Never have.
- Q You now come before the Commission for the purpose of identifying yourself and you son as Mississippi Choctaws claiming under article fourteen of the treaty of eighteen hundred and thirty? A Yes sir.
- Q You understand that article of that treaty? A Yes sir.
- Q You care to have it further explained to you? A Yes sir.

The treaty of eighteen hundred and thirty was a treaty made between the United States government and the Choctaw tribe of Indians at a place in Mississippi called Dancing Rabbit Creek on the twenty-seventh day of September eighteen hundred and thirty. It was made for the principal purpose of removing all the Choctaw Indians who lived in the old Choctaw Nation from that old Choctaw Nation to the New Choctaw Nation, Indian territory, which was a reservation located for them by the government and called the Choctaw Nation, in Indian Territory. Before the treaty was signed it became known that a good many Indians would not go to the Choctaw Nation, Indian Territory and in order to protect their interests article fourteen was put into the treaty. That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that

case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Did any of your ancestors comply with the provisions of that article do you know? A Not that I know of.
- Q You understand that article alright? A Yes I understand it.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A I claim through all, the whole family.
- Q Well name them all? A One is Jacobs.
- Q You claim through your mother? A Yes sir.
- Q What was your mother's father's name? A His name was Dick Dempsey.
- Q How much Choctaw blood did Dick Dempsey have? A He was a full blood Indian.
- Q What was your mother's mother's name? A Named Phoebe.
- Q How much Choctaw blood did she have? A I don't know; I was small then and don't remember.
- Q Now that is your mother's father and mother? A Yes sir.
- Q What is your father's father's name? A Jacob Bells.
- Q How much Choctaw blood did he have? A Full Indian.
- Q Did his wife have any Indian blood? A Yes sir.
- Q What was her name? A Annicka Bells.
- Q How much Choctaw blood did she have? A She was a full Indian.
- Q Now was Dick Dempsey a slave before the war? A No sir never was a slave.
- Q Was Jacob Bells a slave before the War? A Never was a slave before the War.
- Q Was Jacob Bells wife a slave before the War? A No sir.
- Q Did any of your Choctaw ancestors live in the state of Mississippi in eighteen hundred and thirty? A I don't know sir; I could not tell you.
- Q Did they live there at any time do you know; any of your ancestors live there any time? A I don't know of but one that went there.
- Q Who was the one that went there? A Carry Bell.
- Q What relation was he to you? A My grandfather's brother.
- Q You don't know if any of your ancestors ever went there? A No sir.
- Q Of if they had any improvements on land in Mississippi in 1830? A No sir I could not tell you.
- Q Did any of them go to the United States Indian Agent in Mississippi within six months after the ratification of the treaty of eighteen hundred and thirty and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States? A I don't know whether they did or not.
- Q Did any of them go from the old Choctaw Nation to the Choctaw Nation, Indian Territory with the other Indians between the years 1833 and 1838? A I had an aunt that went off.
- Q But you don't know whether any of your ancestors did? A No sir.
- Q Did any of your ancestors receive any land in Mississippi or Alabama as Choctaw Indians claiming under article fourteen of the treaty of eighteen hundred and thirty? A They might have I don't know.
- Q Did any of your Choctaw ancestors claim any land or any benefits of any kind under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A Not that I know of.

#4

- Q Did any of your Choctaw ancestors claim any benefits as Choctaw Indians under any treaty made between the United States government and the Choctaw tribe of Indians other than the treaty of eighteen hundred and thirty? A I don't know.

After the treaty of 1830 was ratified a good many Indians went to the Choctaw Nation Indian Territory; a good many others remained in Mississippi refusing to go to the Choctaw Nation, Indian Territory. In order that they might take advantage of the provisions of article fourteen of the treaty of eighteen hundred and thirty they were obliged to go to the United States Indian Agent, Colonel Ward, within six months from the ratification of the treaty of eighteen hundred and thirty, tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States. A good many Choctaw Indians did this whose names Colonel Ward failed to put upon his list known as Ward's register. This caused Indians who had land in Mississippi to lose it; the government took it from them and sold it at the public land sales. On account of the complaints made Congress appointed a Commission in 1837 which Commission went to the state of Mississippi and heard claimants under article fourteen of the treaty of eighteen hundred and thirty. In 1842 Congress appointed another Commission for the same purpose and this Commission went to Mississippi and heard claimants under article fourteen of the treaty of eighteen hundred and thirty.

- Q Do you know whether any of your Choctaw ancestors were before either of these two Commission and claimed benefits as Choctaw Indians; did you ever hear that they did? A I don't know for certain that they did; I think my father did.
- Q Well you are not certain that your father ever lived in Mississippi? A No I ain't he went that way.
- Q Did he ever live in Alabama? A Yes sir.
- Q What part of Alabama? A I don't know.
- Q Did any of your ancestors except your father live in Alabama? A No sir.
- Q Did any of your ancestors receive any scrip from the government of the United States which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas to take the place of land that they were supposed to have held in Mississippi which the government took from them? A No sir I don't know.
- Q These certificates or scrip as they were called were issued to those Choctaw Indians who proved their right under article fourteen and also proved that their land had been taken from them in Mississippi. Did any of your Choctaw ancestors claim any rights under that act of Congress? A No sir.
- Q What relation is Bettie Starks to you? A I married her mother.
- Q You are related only by intermarriage? A Yes sir.
- Q Not by blood? A No sir.
- Q Have you any evidence that you want to introduce now? A No sir.
- Q Have you any witnesses that you want to call before the Commission? A No sir.

A reasonable time will be granted this applicant in which to introduce further proof if he desires in support of this claim

- Q Do you speak Choctaw? A No sir not a bit; I was raised with them too.

#5

This applicant has the appearance and physical characteristics of being descended from negro parentage. He claims two-thirds Choctaw blood. His hair and features and color are those of a negro, a little brighter and might have a strain of white blood mixed with negro or Choctaw mixed with negro; the negro predominates from his appearance. He does not understand the Choctaw language and has no knowledge of compliance on the part of his ancestors with any of the provisions of the fourteenth article of the treaty of eighteen hundred and thirty. He was a slave before the War as was also his mother. He claims his father was not.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on January 28, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of January 1902.

G. Rosenwinkel

Subscribed and sworn to before me this 29 day of January 1902.

Caro Mitchell Wood

Notary Public.

J. F. H.
C. v. W.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of King Bells, et al.,
for identification as Mississippi Choctaws, H.C.R. 4323.

-- DECISION --

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by King Bells for himself and his minor child, Andrew Bells, under the following provision of the act of Congress approved June 23, 1898 (30 Stat., 405):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that the said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Dick Humphrey, or Fanch Humphrey, his wife, and Sarah Bells, or Annisha Bells, all of whom are alleged to have been full blood

(2)

Cheetaw Indians, except the said Phoebe Dempsey, who is alleged to have been possessed of some Cheetaw blood (degree not given).

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that neither of said applicants has ever been enrolled by the Cheetaw tribal authorities as a member of the Choctaw Tribe, or admitted to Cheetaw citizenship by a duly constituted court or committee of the Cheetaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stat., 821).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Dick Dempsey, Phoebe Dempsey, Jacob Bells, Anniska Bells, or any less remote ancestor, or the principal applicant herein, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stat., 102) and August 22, 1842 (5 Stat., 513).

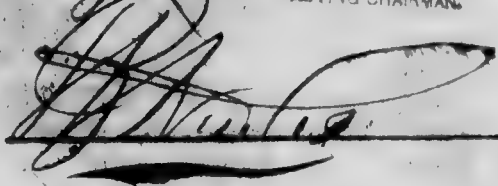
It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of King Bells and Andrew Bells, as Cheetaw Indians entitled to rights in

(3)

the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the application for their identification as such should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,



ACTING CHAIRMAN




Commissioners.

Muskogee, Indian Territory,

JUL 28 1902

COPY.

M C R 4506.

Indian Territory, July 28, 1902.

King Bells,

Ogden, Arkansas.

Dear Sir:

You are hereby advised that on the 26th, day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of King Bells, et al., applicants for identification as Mississippi Choctaws:

The application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of King Bells and Andrew Bells, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the application for their identification as such should be refused, and it is so ordered."

Very truly yours, advised that the Commission has on this date
forwarded the report in this case to the Secretary of the Interior
for review, and you will be informed in due time of such action as
may be taken by him.

Yours truly,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Registered,

COPY. M.C.R. 4566.

Washoe, Indian Territory, July 28, 1902.

Manfield, McHurray & Gurnish,
Attorneys for Choctaw & Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:-

You are hereby advised that on the 28th, day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of King Bells, et al., applicants for identification as Mississippi Choctaws;

The application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 498) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of King Bells and Andrew Bells, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the application for their identification as such should be refused, and it is so ordered."

-2-

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED).

T. B. Needles.

Commissioner in Charge.

COPY.

M C R 4586.

Wichita, Indian Territory, July 28, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of King Bells, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of July 28th, 1902.

The Commission has the honor to report that the principal applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED).

T. B. Needles.

Commissioner in Charge.

Through the
Commissioner of Indian Affairs.
1 enclosure.

COPY.

DEPARTMENT OF THE INTERIOR.

Office of Indian Affairs,

Land 46522-1902.

Washington, August 6, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made July 28, 1902, by the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of King Bells for the identification of himself and his minor child, Andrew Bells, as Mississippi Chestaws.

Descent is claimed from Jim Bells; Lavinia; Dick Dempsey; Jacob Bells and Annicka Bells.

It is not shown by the records of this office that any one of the parties from whom descent is claimed received or attempted to secure the benefits of the fourteenth article of the Treaty of Dancing Rabbit Creek.

It is therefore respectfully recommended that the decision of the Commission refusing identification to the applicants, be affirmed.

Very respectfully,

Your obedient servant,

Acting Commissioner.

WCV
D

3 inclosures.

D. C. 14034-1902.

51464

NAF.

DEPARTMENT OF THE INTERIOR.

Washington.

ITD. 4806-1902.

August 28, 1902.

L. R. B.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

With your letter of July 28, 1902, you transmitted the record and your decision of that date, in the matter of the application for identification of King Bells and his minor child, Andrew Bells, as Mississippi Choctaws.

The applicants endeavor to trace their descent from one Dick Dempsey, Phoebe Dempsey, Jacob Bells and Annicka Bells, all of whom are alleged to have been Choctaw Indians.

The record fails to show that either of the applicants has ever been admitted or enrolled as a Choctaw citizen, or that any one of the alleged ancestors of a less remote ancestor of applicants ever complied or attempted to comply with article XIV of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stat., 180), and August 22, 1842 (5 Stat., 512). You refused the application.

The Acting Commissioner transmitted the papers August 6, 1902, and recommended that your decision be approved. A copy of his letter is inclosed.

-2-

Having thoroughly examined the case, the Department
affirms your decision.

Respectfully,

1 inclosure.

Thos. Ryan,

Acting secretary,

E.M.D.

M.C.R. 4586.

COPY.

Muskogee, Indian Territory, September 5, 1902.

King Bells,

Ogden, Arkansas.

Dear Sir:

You are hereby advised that on the 28th day of August 1902, the Secretary of the Interior affirmed the decision of the Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the application of King Bells, et al., of which decision you were duly advised by registered mail 1 on the 28th day of July, 1902.

Yours truly,

Tamm Dixey.

Acting Chairman.

M.C.R. 4586.

COPY.

Muskogee, Indian Territory, September 5, 1902.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 28th day of August 1902, the Secretary of the Interior affirmed the decision of the Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the application of King Bells, et al., of which decision you were duly advised by mail on the 28th day of July, 1902.

Yours truly,

James Dixby.
Acting Chairman.

4586

FOR IDENTIFICATION
A RESEARCH TOOL

Kina Cells Etal

C. MC10 4586

No. 4586

For Identification as a Mississippi Choctaw.

Date JAN 28 1902

Name King Bells,

Age 84 — Blood $\frac{2}{3}$

Post Office, Ogden, Ark.

Father; Jim Bells, f. b.

Mother: Lavinia $\frac{1}{2}$ choctaw $\frac{1}{2}$ neg. b.

Claims through both parents.
wife Millie Bells, negro
(d.)

Children:

Andrew Bells, 9

Claims for self &
child

Choctaw MCR 4587

James Johnson

MCR 4587

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of James Johnson, et
al., for identification as Mississippi Choctaws. M.C.R. 4587.

List of papers forwarded to the Secretary of the Interior
comprising the record in the above entitled case.

Original application of James Johnson, et al., to the Debus Commission for identifi- cation as Mississippi Choctaws.....	1
Testimony of Cas Griffith.....	8
Re-examination of Cas Griffith.....	9
Certified copy of the marriage record of James Johnson and Cornelia Parks.....	11
Certified copy of the marriage record of James Johnson and Rebecca Walker.....	12
Decision of the Commission refusing the application of James Johnson, et al., for identification as Mississippi Choctaws.....	13

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, Indian Territory, January 28, 1902.

#4587.

In the matter of the application of James Johnson for the identification of himself and his minor child, Willie Johnson, as Mississippi Choctaws.

Applicant not represented by Attorney.

James Johnson, being first duly sworn, upon his oath testifies as follows:

Examination by the Commission.

Q What is your name? A James Johnson.
Q James Johnson? A Yes sir.
Q What is your age? A Age?
Q Yes? A Twenty-eight.
Q What is your post office address? A Ogden, Arkansas.
Q O-g-d-e-n? A Yes sir.
Q How long have you lived there? A Ogden?
Q Yes. A Ten years.
Q Where did you live before that? A In Texas.
Q Where were you born? A I was born in Mississippi.
Q At what place in Mississippi? A I don't know sir. I don't remember.
Q How old were you when you left Mississippi? A I was only a baby nursing.
Q And went from there where? A To Texas.
Q What place in Texas? A Harrison County.
Q Lived there all the time in Texas? A Lived there a while and then come to Arkansas.
Q In the same County in Texas? A Sir?
Q In the same County in Texas? A Well, different counties, moving first one place and then the other.
Q Is your father living? A No sir, dead.
Q Is your mother living? A No sir, dead.
Q What was your father's name? A My father's name was 'Thomas Bird
Q Alphonsa? A Yes sir.
Q Bird? A Yes sir.
Q B-i-r-d? A Yes sir.
Q What was your mother's name? A Mary Johnson.
Q Well, did she marry again after her first marriage? A Yes sir.

(2).

Q Johnson was the name of her second husband? A Yes sir.
Q And Bird the name of her first? A Yes sir.
Q Through which parent did she claim her Choctaw blood-----do you claim your Choctaw blood? A Mother.
Q How much do you claim? A About a half, I suppose. My mother she claimed fullblood.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or by the United States authorities in the Indian Territory? A Not that I know of.
Q What was your father's blood? A My father?
Q Yes. A Why, I don't know sir, just what his blood was. He died when I was a baby.
Q Was he a slave before the War? A No sir. Oh! I understand you now! He was white.
Q White? A Yes sir.
Q He had no colored blood or Indian? A I don't know sir. He might have had some. He might have had some Indian but I don't know how much.
Q Well, did he have any colored blood at all, or any Negro? A No sir, not to my knowledge.
Q It was white and Indian? A Yes sir, my mother said he had some but I don't know.
Q You don't claim through him? A No sir.
Q What was your mother's blood? A My mother's blood? Indian.
Q Indian? A Yes sir.
Q She was a fullblood Indian was she? A Yes sir.
Q What kind of an Indian? A Why, Choctaw.
Q Have you no colored blood at all? No Negro blood? A Not that I know of.
Q Never heard that you had? A No sir.
Q Were either of your parents or any of their ancestors slaves before the War? A Not that I know of.
Q Never heard that your mother was? A No sir.
Q Or any of her ancestors? A No sir.
Q There has been nothing in your family history anywhere to the effect that any of your father's people or your mother's people were slaved before the War? A My mother was a slave. My father wasn't.
Q Your mother was a slave? A Yes sir.
Q Well, I asked you that and you said she wasn't? A No sir, I said my father wasn't.
Q Well, your mother was a slave before the War? A Yes sir.
Q And you say that she was a fullblood Indian? A Yes sir.
Q How did it happen that she was a slave? A She was stolen when she was a girl.
Q From where? A Mississippi.
Q What place in Mississippi? A I don't remember now exactly.
Q How do you know that she was a slave and stolen? Made a slave in her youth? A Well, she used to get to talking as old people usually do.
Q Are you married? A No? Yes sir.
Q What is your wife's name? A Rosie.
Q R-o-s-i-e? A Yes sir.
Q Is she living? A Yes sir.
Q Is she a colored woman? A Yes sir, about my color.
Q Well, is she an Indian? A Yes sir, a pertion.
Q Do you claim any Choctaw blood for her? A Why not that I know of. I don't know just-----

(3).

- Q No claim for wife then? A No sir, I ain't claiming for her at all.
- Q Was she ever married before she was married-----A No sir-----to you, or you to her? A Yes sir, I was married before.
- Q Have you any children by that first marriage? A Yes sir, one.
- Q Have you any by Rosie, this second wife? A One, but it's dead.
- Q What was your first wife's name? A Cornelia.
- Q Cornelia Johnson? A Yes sir.
- Q What was she? A Negro woman? A Yes sir.
- Q When did she die? A Why, she died about eight years ago.
- Q Were you living in Texas then? A No, not eight years ago, six years ago this last Christmas.
- Q Were you living in Texas then? A No sir, living at Ogden.
- Q Ogden, Arkansas? A Yes sir.
- Q Now have you any children under twenty-one years of age to make application for? A I have only got one. It's ten years old.
- Q And what is it's name? A Willie.
- Q Boy or girl? A Boy.
- Q Willie Johnson? A Yes sir.
- Q You say that is a boy? A Yes sir, boy.
- Q How old is he? Ten? A Ten years old, yes sir.
- Q Was Cornelia, your first wife the mother of this child? A Sir?
- Q Was Cornelia, your first wife the mother of this child? A Yes sir, yes sir, that's my first wife.
- Q Is this boy living with you now? A Yes sir.
- Q And you claim for him do you and yourself? A Yes sir.
- Q Have you the marriage license of your marriage with your first wife Cornelia? A Not here.
- Q When and where were you married to her? A We married at Ogden. The County-seat where the license was issued from was from Richmond, Arkansas.
- Q Yes, and when were you married, what date? A I don't remember now. Oh! yes!, I don't know just exactly the date, I think it was the second of February.
- Q What year? A The 9th of February.
- Q What year? A In '90.
- Q By a minister under a license? A Yes sir, minister.
- Q Do you think you could furnish the proof of the marriage-----your marriage with your first wife if given time? A Yes sir, both of them, yes sir.
- Q Reasonable time will be allowed for that purpose-----with the first wife. You have no children by the second? A No sir. We had one but its dead. Died last Summer. My license was issued from Richmond both times.
- Q Is your name or the name of your son on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A You say is my name?
- Q Or the name of your son on any of the tribal rolls? A I don't know sir.
- Q You never lived in the Territory here? A No sir.
- Q You know whether you ever made application for enrollment as a Choctaw Indian? A No sir, this is the first time.
- Q You never did. Then your name isn't on the rolls is it? A No sir, not that I know of.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and son to the Choctaw tribal authorities in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw

(4).

- Nation to the Commission to the Five Civilized Tribes for yourself and son, under the act of Congress of June 10, 1896? A No sir.
- Q Have you or your son ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.
- Q Have you ever before this time made application to be enrolled as a Choctaw citizen, or for the enrollment of your son as such-----
A No sir-----either to the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.
- Q Do you now come before the Commission for the purpose of being identified as a Mississippi Choctaw and for the identification of this son as a Mississippi Choctaw claiming under Article XIV of the Treaty of 1830? A No sir.
- Q Don't you come to be identified now? A This is the only time.
- Q Well, I say you do come now? A Oh! yes sir! I thought you said had ever I been before.
- Q You claim for yourself and son now do you, the right to be identified as Mississippi Choctaws? A Yes sir.
- Q Do you claim under that Article XIV of the Treaty of 1830? A Let me understand you a little better on that.
- Q Do you understand Article XIV? A No sir.
- Q Do you understand the Treaty of 1830, or what it was made for?
A No sir.
- Q That Treaty was made for the purpose of inducing all of the Choctaw Indians to remove from the old Choctaw Nation in Mississippi and Alabama to the new Choctaw Nation in the Indian Territory. Before it was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation, Indian Territory, and so in order to protect the interests of those Indians who elected to stay back in the old Choctaw Nation an article was made providing for their interests called Article XIV. It was put into the Treaty of 1830 and then the Treaty was signed. That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

(5).

- Q Are you making your claim under that article? A Yes sir.
- Q Do you understand it now after having had it read and explained?
- A Yes sir, I believe so.
- Q Did any of your Choctaw ancestors comply or attempt to comply with any of the provisions of that article? A Not that I know of.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A My mother's father was named-----
- Q Your mother's father? A Yes sir, was named Ishnael Bird.
- Q Named what? A Ishnael Bird.
- Q Ishnael, is that right? A Yes sir.
- Q Ishnael? A Yes sir.
- Q I-s-h-n-a-e-l B-i-r-d . That is your father's-----A My mother's father.
- Q Your mother's father? A Yes sir.
- Q Well, how did your mother's father happen to be named Bird and your father was named Bird? A I don't know sir.
- Q Your mother's father then happened to have the same name, Bird, that your father Alphonso Bird had? A Yes sir.
- Q They weren't related were they? A No sir.
- Q Different Birds? A Yes sir.
- Q Well, was this Bird a Choctaw Indian----Ishnael? A I don't know sir whether he was. I don't know how much Choctaw he had in him but my mother said he had Indian in him, I don't know how much. I was a baby.
- Q How much did you ever hear he had? How much Choctaw blood? A Why I never did hear just how much.
- Q Well, how do you know how much you claim if you claim through Ishnael Bird and you never heard how much he had? A Well, I claim through my mother.
- Q Your mother claims through Ishnael don't she? A Oh! I thought you were speaking about my father Bird.
- Q No, I am speaking about your mother's father Bird. A Oh! He was a fullblood.
- Q You are claiming altogether through your mother, aren't you?
- A Yes sir.
- Q Now did he live in Mississippi in the year 1830? A I don't know sir. I judge he did.
- Q Did he have a family when he lived in Mississippi? A Yes sir.
- Q He was the head of a family there was he? A Yes sir.
- Q But you don't know when he lived in Mississippi? A No sir.
- Q Whereabouts in Mississippi did you ever hear that Ishnael Bird lived? A I don't know. It was in my child days. The name of the place, if somebody would call it I could think of it.
- Q Did your mother live in Mississippi at any time? A Yes sir.
- Q Was she born there? A Yes sir.
- Q How old would she be if living now? A She'd be about-----from what she always told us she'd be about seventy-five.
- Q Then she was born in Mississippi-----A Yes sir-----seventy-five years ago? A Yes sir, she was born in Mississippi.
- Q Then she was living in Mississippi from three to four years before the Treaty of 1830 was signed? A I suppose so. She might be older, I don't know.
- Q And continued to live there from the time of her birth how long?
- A Why, I don't know sir just how long afterwards. I was brought from there a baby.
- Q How old were you when you were brought from there? A They said I was nursing, I don't know.

(6).

- Q Did you have any older brother's and sisters? A No sir.
- Q You are the oldest? A I am the oldest child, yes sir.
- Q But you don't know how long your mother had been married when you were born? A No sir.
- Q How old would Ishnael Bird be if he were living now? Do you know? A No sir, I don't know.
- Q Do you know when and where he died? A He died in California.
- Q Do you know when? A No sir, I don't know.
- Q Do you know whether he claims his Choctaw blood through his father or mother? A No sir, I don't.
- Q Or his mother's name? A No sir, I don't.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A Not that I know of.
- Q Did any of your Choctaw ancestors within six months after the ratification of the Treaty of 1830, go to the United States Indian Agent of the Choctaw Indians in Mississippi and signify their intention to remain in Mississippi, take land there, and become citizens of the United States? A Not that I know of.
- Q Did any of your Choctaw ancestors to your knowledge go from that old Choctaw Nation in Mississippi and Alabama to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838 or '40? A No sir, not that I know of.
- Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama under Article XIV of the Treaty of 1830? A Not that I know of.
- Q Did they claim or own any land or any benefits of any kind under any other Article of the Treaty of 1830 than Article XIV or under the Supplement of that Treaty? A I don't know sir.
- Q Did any of your Choctaw ancestors to your knowledge claim any benefits as a Choctaw Indian under any treaty made between the United States Government and the Choctaw Indians other than the Treaty of 1830? A Not that I know of.
- Q The Choctaw Indians who remained in the State of Mississippi after the ratification of that Treaty of 1830, refusing to go to the Choctaw Nation, Indian Territory, under the Treaty with the other Indians, in order to take advantage of the provisions of Article XIV of the Treaty of 1830 were required to go to the United States Indian Agent, Colonel Ward, within six months after the ratification of the Treaty of 1830, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States. A good many Indians did this whose names Colonel Ward failed to put upon his list known as Ward's Register. This neglect of his to make a proper and complete list of the names of all applicants who came before him under the provisions of Article XIV of that Treaty, caused a good many Indians who had land in Mississippi on which they had improvements, to lose them both, for they were taken from them by the Government of the United States and sold at its public land sales. This caused a great many complaints among the Choctaw Indians, so that in 1837, by an act approved March 3rd of that year, Congress appointed a Commission. This Commission went to Mississippi and heard claimants under Article XIV of the Treaty of 1830 and made a list of their names. In 1842 another Commission was appointed by Congress for the same purpose, under an act approved August 23, of that year, and this Commission heard claimants under that Article and made lists of their names. Did any of your Choctaw ancestors appear before either of these two Commissions and claim benefits under Article XIV? A Not that I knew of.

- Q The act of Congress approved August 23, 1842, provided that if any Choctaw Indian proved his claim under Article XIV, if it also appeared that he had previously had land in Mississippi which the Government had taken from him and sold, that he should be entitled to select land-----A Yes sir-----either in Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant Government land and that a certificate to that effect should be given to him. These certificates were called scrip. Did any of your ancestors receive any such scrip under that act of Congress? A Not that I know of.
- Q Have any of your relatives been here to be identified before this Commission? A No sir, not that I know of.
- Q You are the only one? A Only one, yes, that I know of. My mother died before I was grown and I couldn't keep a record of anything.
- Q Have you any other evidence or proof that you want to submit at this time? A I have got Cas Griffith.
- Q What? A Oh! you mean proof?
- Q I mean any proof or any witnesses you want to call? A Oh! yes sir, Cas Griffith.
- Q Does he know anything about your Choctaw blood? A Yes sir.
- Q And your ancestors? A Yes sir, he knowed my mother.
- Q Is there anything more you want to say in support of this claim? A No sir, not that I know of.
- Q Can you speak the Choctaw language? A No sir.
- Q Do you claim any Negro blood at all? A Why, not that I know of.
- Q You never heard that you had any? A Why, no sir.
- Q But you have white blood? A Yes sir, yes sir.
- Q About how much white blood do you think you have? You claim to be one-half Choctaw Indian and the rest white? A Yes sir.
- Q You claim your father was a white man? A Yes sir, that's what my mother said.
- Q And your mother was a fullblood Indian? A Yes sir.
- Q And you never heard anything about any Negro blood in any relatives? A Why she had an uncle a Negro. I don't know how he come through. I don't know whether it was through-----
- Q Well, isn't it a fact now-----I want to get at the facts of this case, that's all-----that you believe the fact upon family talk that there was some Negro blood in your mother? A Why, there might be, I don't know you see, any more than what she would say.
- Q Say what? A I say any more than she would talk you know.
- Q What did she say? A Well, no more than an Uncle, I said. I don't-----
- Q That uncle was her brother? A Yes sir.
- Q Same father and mother? A No sir, they wasn't the same father and mother. I don't know whether it was my father's side or mother's side. Must have been from my grandmother's side I guess.
- Q You can't say positively that your mother and this brother were of the same parents? A No sir, not all the way.
- Q You don't know positively whether he might have had a father or a mother who had Negro blood? A Why, I suppose it must have been his mother.
- Q Did they have the same mother? A Sir?
- Q Did they have the same mother? A I don't know sir.

This applicant has the appearance and physical characteristics of being descended from mixed ancestry composed of white and Indian or white and Negro blood. He claims he has no knowl-

(8).

edge of Negro blood in the family. His hair is black and straight having none of the characteristics of the hair of a Negro. His features are those of a white man or an Indian; his features have none of the characteristics of the Negro except that his lower lip is full and thick. He has dark complexion and a reddish cast which would seem to indicate Indian blood, and in the opinion of the Commission he has Indian blood mixed with white and it may be a strain of Negro, but he is not able to testify in reference to that fact. He has no knowledge of the Choctaw language and no knowledge of a compliance on the part of his ancestors with any of the provisions of Article XIV of the Treaty of 1830.

Cas Griffith, being first duly sworn, testifies as follows in reference to the application made by James Johnson for identification as a Mississippi Choctaw.

Examination by the Commission.

- Q What is your name? A Cas Griffith.
- Q What is your age? A I was raised in-----
- Q Age, age, how old are you? A I am along I reckon about eighty-two or three years old.
- Q Where do you live? A I live in Little River County, Arkansas.
- Q Little River County? A Yes sir, on the new Choctaw.
- Q Are you a fullblood Negro? A Fullblood.
- Q You are an ex slave, Mr.Griffith? A Yes sir.
- Q Did you ever live in the state of Mississippi? A Yes sir.
- Q How long did you live in the state of Mississippi before you removed from there? A Well, let me see-----I lived there-----when I moved down there I was about seven or eight years old.
- Q About seven or eight years old when you left Mississippi? A Alabama! And I moved from there to Lauderdale County, Mississippi.
- Q You was born in Alabama? A Yes sir.
- Q And at the age of seven or eight you went to Mississippi, Lauderdale County? A Yes sir.
- Q And lived there how long? A Well, lived there-----I come from Mississippi when I was eighteen years old and I come to Arkansas and I come here in '88.
- Q Well, you lived there about ten years in Mississippi? A Yes sir.
- Q During that time did you know the mother of this applicant, James Johnson? A Yes sir.
- Q What was her name? A Her name was Mary Bird, I think they called her. They've been calling her Mary Johnson.
- Q Mary Bird? A Yes sir.

Witness excused.

(9).

The applicant, James Johnson, being recalled, upon his oath testifies as follows:

Re-examination by the Commission.

- Q Your father's name was Alphonso Bird? A Yes sir, Alphonso Bird.
Q And he died and your mother married a Johnson? A Yes sir, a Johnson.
Q And you have taken the name of Johnson have you? A Yes sir, they always called me Johnson after that.
Q So then your mother gave you the name of Johnson, instead of your father's name, Bird? A Yes sir. My step-father, he was as black a man as this man here.

-----!-----

Cas Griffith, being recalled as a witness, upon his oath testifies as follows:

Re-examination by the Commission.

- Q Did you know her after she married Johnson? A No sir, I never saw her after that.
Q You always knew her when she went by the name of her first husband Bird? A Yes sir.
Q Well, was she a slave at that time when you knew her? A Yes sir I think she was a slave-----she was a slave, yes sir.
Q What do you know about her having Indian blood? A Why, I used to know-----I was right there and all the Indians was there too around her, knewed her, and she was called a fullblood Choctaw.
Q She was a slave was she? A Yes sir, slave.
Q How did she happen to be a slave if she was a Choctaw? A Why, there was a good many Choctaws there after Colonel Ward took them off white slaves in Mississippi.
Q What had Colonel Ward to do with it? A After he emigrated the Indians some of them came back.
Q Do you know anything about Colonel Ward? A Why, Colonel Ward, I remember the time he emigrated the Indians from Lauderdale County Mississippi.
Q What's that? A I remember the time he emigrated the Indians. He was named Weik Ward.
Q What's that? A Weik Ward.
Q Work? A Weik. Weik Ward.
Q What was his business? A He was a Chief.
Q Colonel Ward a Chief? A Kind of a Chief I think he was. He brought the Indians.
Q Was he an Indian himself? A I call him a halfbreed. He looked mighty white.
Q He was a half breed? A I think he was a halfbreed. He looked as white.

(10).

- Q Did he himself go with the Indians to the Indian Territory? A Him and Smith. He took Smith from Lauderdale County, Mississippi, and they emigrated them. He brought Smith with him, and I think him and Smith was the men.
- Q Well now, Colonel Ward, the Colonel Ward that was the white man in Mississippi, was the United States Indian Agent; he wasn't an Indian, he was the United States Indian Agent. Is that the one you are talking about? A Yes sir, I am talking about the one that brought the Indians.
- Q Do you claim that he come himself? A He was the man that emigrated them, but it seems to me they were brought by Smith.
- Q Well, did you ever hear that Mary Johnson, the mother of this applicant, James Johnson, went to Colonel Ward and told him that she wanted to stay in Mississippi and take land there and become a citizen of the United States? A No sir, I didn't.
- Q She was a slave at that time was she? A Yes sir.
- Q Then she couldn't have done that could she, because she had no liberty? A No sir.
- Q You don't know anything further then about this applicant's Choctaw blood, except that his mother lived there at that time, was a slave, and as you say had Choctaw blood? A Yes sir, Choctaw.
- Q And you say that she was stolen and made a slave? A Yes sir.
- Q How do you know that? A I don't know whether she was stolen. She was left there. She might have been stolen but then there was a heap of Choctaws.
- Q Is there anything further you want to say about this case? A No sir.

Witness excused.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on January 28, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of January, 1902.

Subscribed and sworn to before me this 30 day of January, 1902.

Clara Mitchell
Notary Public.

*Recd
C.W.*

COPY.
DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of James Johnson, et al., for identification as Mississippi Choctaws. H.C.R. 4587.

--- DECISION ---

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by James Johnson for himself and his minor child, Willie Johnson, under the following provision of the act of Congress approved June 28, 1898, (30 Stat., 494):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-

(2).

seventh, eighteen hundred and thirty, by reason of being descendants of one Ishmael Bird, who is alleged to have been a fullblood Chectaw Indian, and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that neither of said applicants has ever been enrolled by the Chectaw tribal authorities as a member of the Chectaw tribe or admitted to Chectaw citizenship by a duly constituted court or committee of the Chectaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896, (29 Stats., 341).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Ishmael Bird signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Chectaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stats., 133), and August 23, 1842, (5 Stats., 513).

It is therefore the opinion of this Commission that

(3).

the evidence herein is insufficient to determine the identity of James Johnson and Willie Johnson as Cheateau Indians entitled to rights in the Cheateau lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED

Tamc Birby.

Acting Chairman.

SIGNED

T. B. Needles.

Commissioner.

SIGNED

C. R. Breckinridge.

Commissioner.

Washington, Indian Territory,

DEC 5 1902

M.C.4387

Muskogee, Indian Territory, March 8, 1902.

James Johnson,
Ogden, Arkansas,

Dear Sir:

Receipt is hereby acknowledged of your letter of the seventh instant, inclosing certified copies of the marriage license and certificate between James Johnson and Cornelia Parks, and the marriage license and certificate between James Johnson and Rosama Walker, which you offer for filing in support of your application for the identification of yourself and your minor child as Mississippi Choctaws. The same have been made a part of the record in your case and will receive consideration in the disposition of the application.

Yours truly,

Commissioner in Charge.

M.C.R. 4587

COPY

Muskogee, Indian Territory, December 5, 1902.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 5th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of James Johnson, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 23, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of James Johnson and Willie Johnson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tamm Bixby.

Acting Chairman.

COPY

Muskogee, Indian Territory, December 5, 1902.

James Johnson,
Ogden, Arkansas.

Dear Sir:

You are hereby advised that on the 5th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of James Johnson, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of James Johnson and Willie Johnson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

James Johnson-B

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

Tamc Bixby.
Acting Chairman.

Registered.

COPY.

Muskogee, Indian Territory, December 22, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of James Johnson, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of December 6, 1902.

The Commission has the honor to report that the principal applicants herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Through the

Commissioner of Indian Affairs.

Enc. M.C.R. 4587

Tame Kirby.

Acting Chairman.

Land.

76219--1902.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, March 3, 1903.

The Honorable,

The Secretary of the Interior.

Sir:-

There is transmitted, herewith, for your consideration, the record of the Commission to the Five Civilized Tribes, in the matter of the application of James Johnson, for himself and his minor child, Willie Johnson, for identification as Mississippi Choctaws, claiming rights as such under the provisions of the 14th article of the treaty of 1830.

The testimony in this case shows that the applicants base their claim to identification on their descent from Ishmael Bird, who it is alleged was a Choctaw Indian and a resident in the Choctaw Nation, in Mississippi at the time of the making of the Choctaw treaty of 1830, through Mary Johnson, his daughter, mother of the principal applicant.

The Commission rejected the applicants December 5, 1902, because the name of their ancestor through whom they claim does not appear among those who complied or attempted to comply with the provisions of the 14th article of said treaty; and for the additional reason that the applicants had never been enrolled as citizens of the Choctaw Nation.

An examination of the records of this office has been made with reference to the names of Ishmael Bird and Mary Johnson, and it is discovered that their names do not appear among those who complied or attempted to comply with the provisions of the 14th article of the treaty of 1850; neither does it appear that they applied to the commissions appointed to adjudicate the claims of those having rights as Choctaw Indians.

It is therefore the opinion of this office that the decision of the Commission rejecting the applicants is correct, and it is recommended that their decision be approved.

Very respectfully,

A. G. Tomner,
Acting Commissioner.

C.T.C. (E.)

D.C. 9135.

F.T.D. 2590-1903.

L.R.S.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

FHE

March 30, 1903.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

December 22, 1902, you transmitted the record in the case embracing the application for identification as Mississippi Choctaws of James Johnson (M C R 4587), for himself and his minor child, Willie Johnson, including your decision of December 5, 1902, refusing to identify them as such.

The applicants claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of one Ishmael Bird, who is alleged to have been a full blood Choctaw Indian, and to have resided in Mississippi in 1830.

The records fail to show that the applicants were ever admitted or enrolled as members of the Choctaw tribe of Indians, or that their alleged ancestor complied or attempted to comply with said article 14 of the treaty of 1830, or with the subsequent acts relating thereto.

-2-

Reporting in the matter March 3, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be affirmed. A copy of his letter is inclosed.

The Department finds no reason to disturb your decision, and it is hereby affirmed.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

M.O.R. 4587.

COPY.

Muskogee, Indian Territory, April 7, 1903.

James Johnson,

Ogden, Arkansas.

Dear Sir:

You are hereby notified that on the 50th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of James Johnson, et al., of which decision you were advised by registered mail on the 5th day of December, 1902.

Respectfully,

(SIGNED)

C. R. Breckinridge.
Commissioner in Charge.

M.C.R. 4687.

COPY.

Muskego, Indian Territory, April 7, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 30th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of James Johnson, et al., of which decision you were advised by mail on the 5th day of December, 1902.

Respectfully,

(SIGNED).

C. R. Breckinridge

Commissioner in Charge.

No. 4587

For Identification as a Mississippi Choctaw.

Date JAN 28 1902

Name James Johnson.

Age 28

Blood $\frac{1}{2}$

Post Office, Ogden, Ark.

Father; Alphonso Bird, d.
(ALPHONSO)

Mother: Mary Johnson, d.

Claims through (mother)
wife (2nd)

Rosie Johnson, l. neg.

No claim for wife.

1st wife, Cornelia Johnson d.
(negro)

Children:

Willie Johnson, M. 10
son of 1st wife, Cornelia)

Claims for self and
son.

Choctaw MCR 4588

James Daniels

MCR 4588

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of James Daniels, et al.,
for identification as Mississippi Choctaws, M.C.R. 4389.

List of papers forwarded to the Secretary of the Interior comprising
the record in the case of James Daniels, et al.,

	(Page)
Original application of James Daniels, et al., before the Daves Commission for identification as Mississippi Choctaws..	1
Affidavit of S. P. Perry.....	11
Affidavit of Richard Colbert.....	13
Testimony of Samuel Perry.....	16
Testimony of Richard Colbert.....	20
Marriage record of James M. Daniel and Minnie L. Renfro.....	23
Affidavit of Charity Denford... ..	24
Affidavit of Henry Marshall.....	25
Affidavit of Della Colbert... ..	26
Decision of the Commission refusing the application of James Daniels, et al., for identification as Mississippi Choctaws.....	27

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Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. February 13, 1902.

In the matter of the application for identification as Mississippi Choctaws of James Daniels, et al., M.C.R. 4588.

Applicants not represented by attorney.

Samuel Perry being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Samuel Perry.
Q What is your age Mr. Perry? A I am in my eighty-ninth year.
Q What is your post office address? A Lehigh.
Q Indian Territory? A Yes, sir.
Q Have you ever made application to the Dawes Commission for enrollment? A No, sir.
Q You have never appeared before this Commission? A Yes, sir.
Q Then you have made application for enrollment? A No, sir; I never made any application.
Q Did you ever make application as a Chickasaw Freedman? A Not until I made it here.
Q You mean here at Muskogee? A Yes, sir; at one time I was registered on the Choctaw registered rolls and my name taken by the Secretary at Tuskahoma and I told him that was not right I belonged to the Chickasaws and got the Judge to erase my name from the old Choctaw rolls.
Q How long have you lived in Lehigh? A Four years the 7th day of last December.
Q Where did you live before that? A I lived at a place called Wiley on the blue River.
Q In what Nation? A Chickasaw.
Q How long did you live there? A I lived right there fourteen years.
Q Where did you live before then? A I lived a while on the Canadian in the Chickasaw Nation and I lived a while at Fort Arbuckle, that is in the Chickasaw Nation and where Ardmore is located now, I lived there before there was any city.
Q Where were you born? A In North Carolina, in Franklin County.
Q What year? A I could not tell you.
Q How long did you live in North Carolina? A Until I was twelve years old and then I came to Mississippi and got into the hands of the Chickasaws.
Q How did you get into the hands of the Chickasaws? A I was sold to them.
Q In North Carolina you were a slave? A Yes, sir.
Q Born a slave? A Yes, sir.
Q And you say you were sold to the Chickasaws? A Yes, sir; in Mississippi.
Q How long did you live in Mississippi? A I could not tell the number of years. I was there four or five years before we came to this Country.
Q And you came with the Chickasaws as a Chickasaw slave? A Yes, sir.

- Q What was your Chickasaw master's name? A Jimson Perry.
 Q He was a white man? A No, sir; he was a half breed Choctaw.
 Q Was his wife a Chickasaw? A Yes, sir; she was a half Chickasaw.
 Q When did you make application for enrollment as a Chickasaw Freedman? A On the 19th day of November I came down here to Muskogean and then on about the twentieth is the time I made application.
 Q Well did you ever make application before that? A Not among the Chickasaws.
 Q To the Dawes Commission? A No, sir.
 Q Are you sure about that? A I think I am.
 Q The records in the possession of the Commission show that you made application for enrollment as a Chickasaw Freedman at Stonewall, Indian Territory, September 2, 1898, and that under oath you gave testimony before the Commission at that time and place. What have you to say to that? A At that time my wife was arraigned before the Commission and if I ever did such a thing I don't know it; I must have been sleeping.
 Q Well then Mr. Perry you deny any remembrance of having testified at Stonewall, September 2, 1898, in the application made by you for enrollment as a Chickasaw Freedman? A I can't remember that at all.
 Q At that time you swore under oath that your wife was sold by a man named Love to a man in Texas, a United States citizen, and that he sold her to another United States citizen who owned her to the close of the War. Do you remember testifying to that? A I remember her testifying to that.
 Q Well I asked you if you remembered? A No, sir; I could not I don't know that.
 Q You did not testify to that? A No, sir.
 Q But here is your sworn statement to that effect? A I was present
 Q Was your wife owned by Elizabeth Perry? A No, sir/
 Q You were owned by Elizabeth Perry? A Yes, sir.
 Q Your testimony is; that at Stonewall, September 2, 1898, you said you belonged to the widow Elizabeth Perry; did you testify to that? A If I didn't I ought to have done it.
 Q Well it is a fact? A Yes, sir.
 Q But you don't remember testifying to it? A No, sir.
 Q Do you remember at that time testifying that you became the property of Newton Perry? A Yes, sir.
 Q At that time did you testify to that? A It has been so long that I don't remember it.
 Q But do you remember that you did so at that time? A No, sir; I don't remember whether I did. If I didn't I ought to have done so.
 Q Do you remember the name of his brother and sister? A Yes, sir.
 Q What were their names? A Catherine Perry and John Henry Perry.
 Q Who was John Foster? A A half brother of hers.
 Q Did you testify at Stonewall September 2, 1898, that you were owned by them? A No, sir.
 Q The statement here is that you testified that you were owned by them? A Yes, sir; probably it may be.
 Q Did they sell you because of death? A The parties did after my owner died, Newton Perry.
 Q At that time do you remember testifying under oath that you were freighting in the Pan Handle? A What time was that.
 Q 1857 to '60? A Yes, sir.
 Q You remember stating so under oath at that time, at Stonewall September 2, 1898? A Yes, sir.
 Q A few moments ago you said you never were sworn at all? A Well if I was sworn it was not by the Dawes Commission.
 Q Then you state now under oath that you made no application yourself for enrollment as a Chickasaw Freedman at Stonewall, September

- er 2, 1898? A I don't remember of ever making any application for enrollment.
- Q When then, afterwards did you make application for enrollment of yourself and your wife Catherine Perry as Chickasaw Freedmen? A never until the 20th of November 1901, at Muskogee.
- Q What is the name of the woman, the Chickasaw Indian who owned you? A Elizabeth Perry.
- Q Where did she die? A At Doakville.
- Q How long ago? A About 1842 or three I reckon; I don't know exactly.
- Q About how long do you think it was? A I think in 1842 or forty-three, I would not be positive about it.
- Q That would be sixty years ago; you think it has been that long? A No, sir; it has not been that long.
- Q Well when do you think it was? A It was since that time.
- Q Was it fifty years ago? A I don't think it has been fifty years ago.
- Q Was it since the War? A No, sir; before the War.
- Q About how long before the War? A About eight or ten years.
- Q Well the War was forty years ago and you say she died about eight or ten years before? A Well I think so.
- Q In your statement on November 20th 1901, you stated that she died thirty years ago? A It must have been over thirty years ago, because it was before the War.
- Q Do you know James Daniels? A Yes, sir; I am acquainted with him.
- Q Is it the same James Daniels who made application to be identified as a Mississippi Choctaw before the Commission on January 28, 1902? A Yes, sir.
- Q How long have you been acquainted with him? A Eight or ten years I think.
- Q What was his father's name? A He was a Daniels.
- Q What was his full name? A I don't know his first name.
- Q Did you ever hear it? A I think so.
- Q Do you know? A I think it was Richard.
- Q Do you know? A No, sir; I don't know but I have always heard it.
- Q Why is it that at this time you are not certain that his name is Richard? A Because I never was in his company, never to learn whether that was it or not.
- Q Did you sign an affidavit that you knew James Daniels and his father, dated January 22, 1902? A I signed that I knowed him and was slightly acquainted with his father. I never knew his given name.
- Q Did you say in that affidavit that you did not know his given name? A If I did not it should have been.
- Q But in that affidavit you say that you are personally acquainted with his father, Richard, Dick Daniels; How did you know that, you don't know it now? A I didn't know it then anymore than what I was told.
- Q What was the name of the mother of Richard or Dick Daniels? A The mother of Dick Daniels?
- Q Yes; who would be the mother of James Daniels? A She was Elizabeth Pursley.
- Q How much Choctaw blood if any did she have? A I taken her for a full blood Choctaw.
- Q How do you know she was a full blood Choctaw? A I don't know that she was a full blood Choctaw; I said I taken her for one. She could not speak English.
- Q When you signed this affidavit on January 22, 1902, did you have it read to you? A I don't think I did.
- Q Did you put your mark on this paper without having it read over

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- to you? A No, sir; I don't think I did.
- Q Well do you know whether he read it? A No, sir.
- Q Were you sworn to this affidavit by a Notary Public? A Yes, sir.
- Q Did you hold up your right hand? A Yes, sir.
- Q And he swore you to it without ever reading it to you? A He must have read it before I signed it.
- Q Well you swear that he read this affidavit over to you before you signed it? A No, sir;----Before I signed it did you say.
- Q I did? A No, sir; I would not swear to it.
- Q You don't know whether he read it to you or not? A No, sir.
- Q State what you know about James Daniels having ancestors who lived in the state of Mississippi and who had Choctaw Indian blood? A So far as I know about James Daniels, his parents were in this Country when I got acquainted with them.
- Q You only know them since they came to this Country? A Yes, sir.
- Q How old were you when you first came to this Country? A I could not tell you.
- Q Can you tell how long you lived in the Indian Territory? A No, sir.
- Q How long have you lived in Indian Territory? A It is sixty years or upwards.
- Q You have lived sixty years here and you claim to be how old now? A Eighty-nine.
- Q Since how old have you lived in the Indian Territory? A I could not tell you that.
- Q Why can't you tell me that? A Because I don't know it.
- Q You don't know since what age? A No, sir.
- Q Did you, in the affidavit which you signed January 22, 1902, did you not state that you had lived in the Indian Territory since you were a certain number of years old? A I could not have done it; I don't know.
- Q You did not know that you signed any such statement? A No, sir.
- Q If you don't know your age now when you came to the Territory you did not know your age when you signed that affidavit on January 22, 1902? A Yes, sir.
- Q Did you know then? A Yes, sir; I knowed then.
- Q You know the age then when you came here? A Yes, sir; since I been here.
- Q Then tell me now how old were you when you came to the Indian Territory? A That is a question that I cannot answer.
- Q What made you answer it on the 22nd of January then? A I supposed a certain age when I came to this Country.
- Q You supposed a certain age but did not know? A No, sir.
- Q Did you go to the Indian Territory when you were twenty-two years old? A I expect it must have been later. I was big enough to drive a big team from Mississippi out here.
- Q Were you twenty nine years old when you came out here? A I don't know.
- Q Were you twenty-five years old? A I could not tell you.
- Q Were you a grown man? A I don't think so.
- Q How old were you? A I might have been twenty-two or three years old, but, I would not be positive about it.
- Q You were positive about it on the 22nd of February 1902? A Well I didn't think I was. I might have said that supposing what was told me.
- Q And swore that they are true when you did not know whether they are true or not? A I didn't suppose the age had anything to do with it.
- Q On the 22 of January 1902 you swore before Dwight Brown, Notary Public, in the affidavit signed by your mark which affidavit was made to be filed in the case of James Daniels, et al., that you have lived in the Indian Territory since you were ten

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or eleven years old; is that true or not? A Well I don't know the year.

Q Is that true or not? A It could not have been that because I was older than that.

Q Did you tell Notary Public Dwight Brown to put this in this affidavit that you were ten or eleven years old and had resided in the Indian Territory since that time? A No, sir.

Q He put it in there without your knowledge or consent? A Yes, sir.

Q Did you know anything about this applicants parents in Mississippi? A No, sir.

Q Or whether they ever lived in Mississippi? A No, sir.

Q Or whether they ever complied with article fourteen of the treaty? No, sir; I don't know that.

Q You simply knew them in the Indian Territory? A Yes, sir; in the Indian Territory, Choctaw Nation.

Q And knew his mother Elizabeth Pursley? A Yes, sir.

Q She married whom? A She married Richard Daniels.

Q You are not sure his name is Richard are you? A No, sir.

Q Was he a white man? A Yes, sir.

Q And you think she looked like a full blood Choctaw Indian? A I don't think it I know it.

Q And she is James Daniels' own mother? A No, sir; grandmother.

Q And that is all you know about it? A That is all.

Q You cannot testify any further in reference to this claim? A I don't know any further.

The testimony of this applicant is to the effect that he made application for enrollment as a Choctaw Freedman for himself and his wife Catherine on November 20, 1901; that he never made application before that date before the Commission for enrollment as a Chickasaw Freedman at any place; and that he never was sworn or testified at Stonewall September 2, 1898. The records in the possession of the Commission show that he did testify under oath in the application made by him for enrollment as a Chickasaw Freedman at Stonewall, September 2, 1898. He now testifies under oath as a witness in behalf of the claim of James Daniels and denies the fact of his ever having testified under oath at Stonewall, September 2, 1898. He has also made the statement at this time that when he signed an affidavit on the 22nd day of January 1902, before Dwight Brown, Notary Public, which affidavit is filed with and made a part of the record in the case of James Daniels et al., M.C.R. 4588, that he did not know positively whether this applicants father's name was Richard Daniels or Dick Daniels further than what he had been told and he further states that he has no recollections of stating in said affidavit that he had resided in the Indian Territory since he was ten or eleven years old. He now states as a matter of fact that that could not have been so because he was over twenty years of age when he first came to the Territory and was probably much older than that. He further says that he has no recollections of Dwight Brown the Notary Public having read over the contents of said affidavit to him before he swore to the truth of the statements made by him. In view of these facts it is the opinion of the Commission that as a witness in this case he is unreliable and that little credence can be given to his sworn statement under oath.

Witness excused.....

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Richard Colbert called as a witness, after being duly sworn, testified as follows:

Examination by the Commission.

- Q What is your name? A Richard Colbert.
- Q How old are you Mr. Colbert? A I am seventy some odd years old.
- Q Well about how old do you think you are? A I think I must be about seventy-two or three years old.
- Q What is your post office address? A Lehigh.
- Q What is your Nationality? A Richard Colbert.
- Q Are you a Chickasaw or Choctaw Freedman? A Choctaw Freedman I guess.
- Q Well don't you know what you are? A Well---
- Q Don't you know whether you are a Choctaw or Chickasaw Freedman? I believe part Choctaw and part Chickasaw. I was raised in the Choctaw Nation.
- Q Did you ever make application to the Dawes Commission for enrollment as a Choctaw Freedman? A I think so sir.
- Q As a Choctaw Freedman? A I think so sir.
- Q Are you a Choctaw or Chickasaw Freedman? A I claim Choctaw Freedman.
- Q Never were a Chickasaw Freedman? A No, sir; I was freed in the Choctaw Nation.
- Q Did you ever claim to be a Chickasaw Freedman? A Yes, sir; I did at one time until the old folks corrected me about it.
- Q Then you changed it and made it Choctaw Freedman? A Yes, sir.
- Q Did you make application for enrollment as a Choctaw Freedman at Atoka, Indian Territory, August 30, 1898? A Yes, sir.
- Q You stated you are how old now? A I suppose I am about seventy some odd.
- Q How old seventy what? A About seventy-two or three; I don't know my age.
- Q In 1899 you gave you age as seventy-four years old? A My old mistress gave me my age then, that is how come me to have it.
- Q Did you make application for enrollment as a Chickasaw Freedman at Stone wall, Indian Territory, September 4, 1898? A Yes, sir; I was there then sir, but the application I made there your honor was not worth anything.
- Q Well you did make application? A Yes, sir; but it was not worth anything; I did not know what I was talking about then.
- Q You did not know your age then either did you? A No, sir.
- Q That was one year before you made you application at Atoka, Indian Territory? A I don't know.
- Q The records show it? A Well that is right I suppose.
- Q In 1889 you gave your age as sixty-seven years; in 1898--in 1899 you gave your age as about seventy-four; you don't know your age then by fifteen or twenty years? A No, sir; I just went to Mrs. Roberts at Atoka she gave me that age. I always say that I don't know.
- Q You were here to testify before the Commission on February 8, 1902, with Jesse Austin Ward in his application for identification as a Mississippi Choctaw? A Yes, sir.
- Q At that time you denied the truth of the statements made by you under oath when you made application for enrollment as a Chickasaw Freedman at Stonewall, September 4, 1898? A Yes, sir; I do.
- Q You stated you did not know what you were saying then? A Yes, sir.
- Q Were you a slave before the War? A Yes, sir.
- Q Who was your first master? A Was Louis Colbert.

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- Q Did you ever belong to Ben Colbert? A Yes, sir.
Q Whom did he sell you to? A Ben Colbert never did sell me.
Q You testified at Stonewall that he sold you to a man named Coffey? A Yes, sir; but that is a mistake.
Q That is a false statement then? A Yes, sir.
Q Were you ever owned by Joel Kamp? A No, sir.
Q At Stonewall September 4, 1898, you stated that you were owned by Joel Kamp; that is wrong? A Yes, sir; that is wrong.
Q Did you ever know Charley Galloway? A No, sir.
Q At Stonewall September 4, 1898 you stated that you were carried by him to Fort Washita; is that right or wrong? A I don't know.
Q Is that true or not? A No.
Q What made you claim it? A Because my mind was confused.
Q Did you know Miss. Surena Folsom? A Yes, sir.
Q Did she ever own you? A I lived with her.
Q Did you belong to her? A No, sir; she only had me hired.
Q You testified under oath at Stonewall that you belonged to her? A Well she said that she just hired me.
Q But you testified that you belonged to her? A Well, that was not true.
Q Did you know a Doctor Stone? A I have seen him.
Q Did you belong to him? A No, sir.
Q Did you think he bought you? A No, sir; I know he did not.
Q At Stonewall September 4, 1898, you stated that he did buy you as far as you knew? A No, sir.
Q That is not true? A No, sir.
Q Were you ever owned by Jordan Flaake? A No, sir.
Q Did you ever work for him? A Yes, sir; I worked for him for twenty years.
Q But you never were owned by him? A No, sir.
Q That was after the War? A Yes, sir.

The records in the possession of the Commission show that on September 4, 1898, this witness Richard Colbert made application for enrollment as a Chickasaw Freedman at Stonewall Indian Territory and that in the following year on August 30, 1899, at Atoka Indian Territory, the said Richard Colbert made application for enrollment as a Choctaw Freedman, field number R-6.

- Q What do you know about the applicant James Daniels having Choctaw Indian blood? A Well I know all the Pursley family pretty well and I know that Lizzie Pursley and Maggie Pursley were two sisters.
Q Whom did Lizzie Pursley marry? A She married Richard Daniels.
Q Did you ever know Lizzie Pursley who married Richard Daniels in Mississippi? A I did not get acquainted with her in Mississippi.
Q Do you know whether she ever lived in the state of Mississippi? I am satisfied that she did.
Q I asked you if you knew whether she ever lived in the state of Mississippi or not? A I don't know but I know that she lived here.
Q Where did she live here? A Near Mountain station on the old stage line in Gaines County.
Q In what Nation? A In the Choctaw Nation.
Q What knowledge have you of the fact that Lizzie Daniels the grandmother of James Daniels lived in Mississippi in the year 1830 and had a family there at that time? A I don't know.
Q What knowledge have you of the fact that Lizzie Daniels the grandmother of James Daniels complied with the provisions of article fourteen of the treaty of 1830? A I don't know about that.

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- Q What was the physical appearance of Lizzie Daniels the grandmother of James Daniels? A She looked to be a full blood Indian.
- Q How long did you know her in the Indian territory? A I knowed her about fifteen or twenty years anyhow.
- Q Where did you know her all of this time? A In Gaines County.
- Q Do you speak the Choctaw language? A A little.
- Q Do you speak it so that you can talk with a Choctaw Indian? A Yes, sir; I can talk with them.
- Q Did Lizzie Daniels the grandmother of James Daniels speak the Choctaw language? A Yes, sir; she could not speak English.
- Q Did you ever hear her speak Choctaw? A Yes, sir.
- Q Did she talk altogether in the Choctaw language? A I know she did to me.
- Q Could she talk English? A She never did to me.
- Q You said a little while ago that she did not speak the English language? A She never did to me.
- Q Because you never heard her you testify that she never did speak English? A Yes, sir.
- Q You never heard that she lived in Mississippi? A Yes, sir.
- Q You heard that she lived in Mississippi? A Yes, sir.
- Q That is all you know about it what you heard? A Yes, sir.
- Q Is there anything more you want to say now in your testimony for James Daniels? A Yes, sir.
- Q Well say it? A This here Pursley, Lyman Pursley--.
- Q Who is Lyman? A They are first cousins.
- Q I don't care to know anything about him? A Yes, sir.
- Q What were you going to say about him? A I knowed him well.
- Q You knew him in Indian Territory? A Yes, sir.
- Q Never knew him anywhere else? A No, sir.

This witness is the same Richard Colbert, who testified before the Commission on February 8, 1902, as a witness in the application of Jesse Austin Ward, et al., in his application for identification as Mississippi Choctaws. At that time it appeared to the Commission that his testimony was of such a nature as to be unreliable. He stated at that time, as he also stated in his examination as a witness in the case of James Daniels, et al., number 4588, that when he appeared at Stonewall September 4, 1898, for the purpose of making application for enrollment as a Chickasaw Freedman, that he was not in a mental condition to know what he was saying. In his testimony in this case of James Daniels, et al., he makes the same statements and now denies under oath the truth of the statements which he made under oath before the Commission at Stonewall, September 4, 1898. For this reason it is the opinion of the Commission that his statements are wholly unreliable.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above and foregoing cause on February 13, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of February 1902.

Subscribed and sworn to before me this 1st day of March 1902.

G. Rosenwinkel
Richard M. Colbert
Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, Indian Territory, January 28, 1902.

#4588.

In the matter of the application of James Daniels for the identification of himself and his two minor children, Otto and May Daniels, as Mississippi Choctaws.

Applicant not represented by Attorney.

James Daniels, being first duly sworn, upon his oath testifies as follows:

Examination by the Commission.

- Q What is your name? A James Daniels.
Q James what? A James Daniels.
Q D-a-n-i-e-l-s? A Yes sir.
Q What is your age? A My age is thirty-four.
Q What is your post office address? A Atoka, Choctaw Nation.
Q Atoka? A Yes sir.
Q Indian Territory? A Yes sir.
Q Is your father living? A No sir.
Q Is your mother living? A No sir.
Q What was your father's name? A His name was Richard Daniels.
Q Richard-----what was your mother's name? A She was a-----her name-----she was-----her name was Lissie Daniels.
Q You claim your Choctaw blood through which parent, father or mother? A Father.
Q How much Choctaw blood do you claim? A One-----one-quarter.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities, or the United States authorities in the Territory? A Why, I don't know. That's something I don't know. My mother died when I was eleven months old.
Q How then your father-----did he die in the Indian Territory? A Yes sir.
Q How long have you lived in the Indian Territory? A All my life.
Q All your life-----were you born here? A I don't know whether I was or not. Borned on the line along Red River.
Q Then you haven't lived in the Indian Territory all your life have you? A I have been here ever since I can recollect.
Q Were you born over the line in Texas? A I guess so.
Q Are you married? A Yes sir.

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Q What is your wife's name? A Minnie.
Q Minnie Daniels? A Yes sir.
Q Is she living? A Yes sir.
Q Do you make any claim for her? A Yes sir.
Q Has she any Choctaw blood? A No sir.
Q White woman? A White woman.
Q How can you make claim for her then? A No, I don't make claim for her.
Q No claim for wife? A No.
Q Have you any children that you want to make application for?
A Yes sir, two.
Q What is the name of the oldest? A Buster-----Otto.
Q What's that? A Otto Daniels.
Q Otto? A Yes sir.
Q Otto Daniels-----how old is he? A He's three years old the 14th day of last August.
Q What is the name of your other child? A Her name is May Daniels.
Q What is it? A May.
Q May? A Yes sir.
Q How old is May? A She was borned the 6th day of last May.
Q She's about seven months isn't she? A Yes sir, eight months.
Q Minnie Daniels is the mother of these two? A Yes sir.
Q And you are the father? A Yes sir.
Q Have you the marriage license and certificate of your father and mother with you? A Of my father and mother?
Q Yes sir? A No sir.
Q Could you get it if given time? A I suppose so.
Q Reasonable time will be allowed this applicant for that purpose.
Have you the marriage license of your marriage with your wife?
A Yes sir. I haven't got them with me though. I have got them at home.
Q You can introduce that proof later, can you? A Yes sir.
Q Reasonable time will be allowed for that purpose. You claim for yourself and children do you? A Yes sir, that's all.
Q Were either you or your wife ever married before you married each other? A Yes sir, I was.
Q Have you any children by that marriage? A No sir.
Q This is all the children you wish to make application for? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A My name is on the roll, on the Chickasaw roll. I don't count that at all. I am an inter-married Chickasaw
Q By your first wife? A Yes sir.
Q Do you claim any rights now in the Chickasaw Nation by virtue of that marriage? A No sir, I don't claim any.
Q You don't claim any rights anywhere by virtue of your marriage with Minnie Daniels? A No sir.
Q Well, is your name on the tribal rolls of the Choctaw Nation in the Indian Territory? A I don't know whether it is or not.
Q Did you ever make application in the Choctaw Nation? A No sir, I never did.
Q Did anybody ever make application for you? A No.
Q You have no reason to believe that your name is on the roll? A No my name ain't on the roll, further than my ancestors is.
Q What ancestors of yours have ever had their name on the tribal rolls of the Choctaw Nation in the Indian Territory? A Lissie Pursley.
Q Who was she? A She was a Pursley before she married.

(3).

Q What relation to you? A She was my grandmother.
Q Well, are you claiming through her as one whose name was on the tribal rolls in the Choctaw Nation in the Indian Territory? A Yes sir.
Q I thought you claimed through ancestors who lived in Mississippi? A Well, she was from Mississippi.
Q Did she live in Mississippi? A Yes sir, she lived in Mississippi.
Q Did she live in the Indian Territory, Choctaw Nation? A Yes sir.
Q She removed from there then? A Yes sir, I reckon she did.
Q How do you spell Pursley? A P-u-r-s-l-a-y, I reckon.
Q -e-y, isn't it? A Yes sir.
Q Is that your grandmother? A Yes sir.
Q And she is the one that you claim through isn't she? A Yes sir.
Q Have you ever made application for citizenship in the Choctaw Nation-----A No sir-----to the Choctaw tribal authorities in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Dawes Commission under the act of Congress of June 10, 1896? A No sir, I reckon not.
Q Have you ever made application for enrollment as a Choctaw citizen before this time to any authority whatever? A No sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A Yes sir, I have been recognized as an Indian.
Q Did you ever make application? A No sir.
Q You never made application to the Dawes Commission, did you? A No sir.
Q Or to the Choctaw tribal authorities? A No sir, I was just recognized as an Indian.
Q You never were admitted by a judgment of the United States Court in Indian Territory were you? A No sir.
Q Never went to Court? A No, never did go to Court.
Q Now you say you have been recognized as an Indian; what do you mean by that? A Well, they recognized me as an Indian. I voted in the Choctaw Nation.
Q Who recognized you? Your neighbors? A My neighbors, Daniels boys.
Q The neighbors and others generally said you were a Choctaw Indian and treated you as such-----is that it? A Yes sir, they claimed they was related to me.
Q They just told you that, I suppose? A Yes, that's all I know.
Q Do you now come before the Commission for the identification of yourself and your two minor children as Mississippi Choctaws claiming under Article XIV of the Treaty of 1830? A Yes sir.
Q Do you understand that Treaty? A I am not no scholar.
Q Do you understand Article XIV of that Treaty? A Not exactly.
Q Do you know what a treaty is? A Yes sir.
Q A Treaty was made between the Choctaw Indians who lived in Mississippi and Alabama and the United States Government, at a place called Dancing Rabbit Creek, in the state of Mississippi, on the 27th day of September, 1830, for the purpose of effecting the removal of the Choctaw Indians who lived in that old Choctaw Nation from it to the Choctaw Nation, Indian Territory. Before the Treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation, Indian Territory, and in order to protect their interests, Article XIV was put into the Treaty. Article XIV reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you think you understand that now Mr. Daniels, after having had it read and explained? A Yes sir.
- Q Did any of your ancestors comply with the provisions of that article to your knowledge? A I don't know, my friend. I couldn't say.
- Q Did I understand you to say that you claimed through your grandmother, Lizzie Pursley? A Yes sir.
- Q And whose mother was she, your father's or your mother's? A She was my father's mother.
- Q Your father's mother? A Yes sir.
- Q Do you know anything about her father and mother? A No sir.
- Q Did she live in Mississippi at any time? A Yes sir.
- Q Where was she born? A Born in Mississippi I suppose.
- Q Born in Mississippi-----what part of Mississippi? What place? A I can't tell you, my kind friend.
- Q Where did she die? A In the Choctaw Nation, I think.
- Q Did she remove to the Choctaw Nation from Mississippi? A Yes sir.
- Q What time did she come from Mississippi to the Choctaw Nation? A When the Indians moved I think.
- Q What time was that? A I can't tell you, my friend.
- Q Did she come with the other Indians to this Territory? A I don't know whether she did or not.
- Q Did she come from that Choctaw Nation on the east of the Mississippi River to the Choctaw Nation, Indian Territory, between 1833 and 1838? A I think so. I think she did.
- Q Well, have you any positive knowledge of whether she did or not? A I can establish it I guess.
- Q What? A I don't know whether she did or not. I wouldn't be positive. I couldn't be.
- Q Did she live in Mississippi in 1830 and have a family there at that time? A I don't-----I guess so.
- Q Do you know? A I don't know for certain.
- Q You see when you testify that you guess and that you think and that you reckon, you are not giving good testimony for yourself,

(5).

- because you must know. When you make a statement you have to know it. A Yes, I can say that and be safe.
- Q That she had a family in Mississippi in 1830? A Yes sir.
- Q Now how do you know that she did? A Father said so, my father.
- Q Your father said so? A Yes sir, told me all I know. All I know is what my father told me.
- Q How old would your father be if living now? A He's be about eighty three years old.
- Q Was he born in Mississippi? A He was borned in-----Yes sir, he was borned in Mississippi, that's what he was.
- Q Born in Mississippi? A Yes sir.
- Q About eighty-three years ago? A Yes sir.
- Q Did he have any younger brother's and sisters? A Yes sir, he had one younger-----two younger brothers.
- Q Were they born in Mississippi? A I think so.
- Q How much younger were they than he? A Not but very little.
- Q Couldn't you tell when your grandmother, Lizzie Pursley left the state of Mississippi? A No sir. It was in that neighborhood that she left.
- Q Do you know whether she come from the Choctaw Nation in Mississippi and Alabama, to the Choctaw Nation, Indian Territory at the expense of the Government with the other Indians? A No sir, she never come at the expense of the others.
- Q Of the Government? A No sir.
- Q Did she or any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A Yes sir, I think so.
- Q What I mean by that is did they hold land in Mississippi-----did she or any of your ancestors occupy land in Mississippi upon which they had improvements of any kind, fences, houses, out-buildings, or land in cultivation, so that in 1830, they might be called house-holders and heads of families? A Yes sir.
- Q Now, how do you know that? Q My father-----that's what father told me. I know it by-----.
- Q Your father told you so. Now, about his mother, Lizzie Pursley holding improvements on land in Mississippi in 1830, when that Treaty was made-----just what did he tell you about it? A She had a home there.
- Q At that time? A Yes sir, I think so.
- Q In 1830? Now be sure about this? A Yes sir.
- Q A little while ago you know you weren't quite sure whether she lived in Mississippi in 1830, and afterwards you said you thought you could say that positively? A After I studied.
- Q Now do you think you can say positively that you know that she had improvements on land in Mississippi at that time? A I can say that grandfather had.
- Q That would be Lizzie Pursley's husband? A Yes sir.
- Q What was his name? A His name was Richard Daniels.
- Q Well, is Lizzie Pursley the maiden name of your grandmother? A Yes sir.
- Q Did she marry Richard Daniels? A Yes sir.
- Q Well, he was a white man was he not, Richard Daniels? A Well he was a whiteman, one-eighth Cherokee.
- Q Then he had no Choctaw blood? A No, he had no Choctaw blood.
- Q Then this land that you say was-----which you say contained improvements which was held by Richard Daniels-----A Yes sir-----the husband of your grandmother Lizzie-----A Yes sir-----was held by a man part white and part Cherokee? A yes sir.
- Q Did any of your Choctaw ancestors within six months after the

(6).

- ratification of the Treaty of 1830, go to the United States Indian Agent, Colonel Ward, and tell him they wanted to stay in Mississippi and take land there-----A I can't say-----and become citizens of the United States? A I can't say that.
- Q Did any of your Choctaw ancestors go from the old Choctaw Nation east of the Mississippi to the Choctaw Nation west in the Indian Territory? A Yes sir.
- Q I understand you to say your grandmother did? A Yes sir.
- Q Did her husband remove with her at that time? A I don't know. Yes sir, of course he did.
- Q Well, he might have been dead? A No! He didn't! Grandfather died before he came.
- Q Well, he died in Mississippi then? A Yes, he died in Mississippi.
- Q Well, now, your recollection of that is that he died in Mississippi? A Yes sir.
- Q you started out to say that he came with her? A Yes sir.
- Q Did you mean that? A No sir.
- Q And do you really know about that? A That's what father said. That's all I know, and what other old men said that knowed more about it than I do.
- Q That her husband Richard Daniels, died before his wife removed to the Indian Territory? A Yes sir.
- Q And she came alone did she? A I think so.
- Q Did she bring any children with her? A She brought some children yes sir.
- Q Do you know who? A She brought Stephen Daniels with her.
- Q An uncle of yours? A Yes sir.
- Q Any others? A Edmond, I think. I think she brought Edmond Daniels-----Edward.
- Q Stephen and Edward-----now about your father, Richard? A He never come-----that's right, for he never left Mississippi, not when she did.
- Q Well, was he dead at that time? A No sir.
- Q He came afterwards did he? A Yes sir.
- Q When did he come from Mississippi to the Indian Territory? A Exactly after the War.
- Q In 1866? A Yes sir, about 1865 he come.
- Q 1865-----did you come then with him at that time? A No sir, I weren't here. I weren't existing in that time.
- Q You weren't born at that time? A No sir, '67 when I was born.
- Q Did any of your Choctaw ancestors own any land in Mississippi or claim any under Article XIV of the Treaty of 1830? A Yes sir, I think so.
- Q What? A I don't know whether they did or not. I couldn't say. I wouldn't say.
- Q Did any of your Choctaw ancestors own or claim any land or any benefits under any other Article of the Treaty of 1830 than Article XIV or under the supplement of that Treaty? A I don't know. I couldn't say. I might know more about it-----.
- Q You don't know about that? A No sir.
- Q Did any of your Choctaw ancestors claim any benefits as Choctaw Indians under any Treaty made between the United States Government and the Choctaw Indians other than the Treaty of 1830? A Yes sir I think so.
- Q Well, under what treaties other than the Treaty of 1830? A 1830 I think.
- Q I have asked you about 1830 once? A Did you.

(7).

- Q You have already testified about the Treaty of 1830. Now I ask you about any other Treaty, any treaty other than the Treaty of 1830? A She come-----'66, or '60.
- Q Treaty of 1866? A Yes sir.
- Q Now Mr. Daniels, you mustn't testify to what you don't know. A Well, I won't.
- Q And you mustn't testify to what you think or what you guess? A It's facts in this case.
- Q Yes sir, and if your testimony shows that you are stating things that you really don't know about you will be the sufferer from that statement. Now if you know that they claimed under any other Treaty, any of your ancestors, state that Treaty, and state what they claimed and what they received. A I don't know anything about-----anything about-----any-----
- Q You don't really know about that do you? A No.
- Q Well now, you must be honest with yourself? A Well, I don't want to tell any lies.
- Q I know you don't. I don't think you are, but you are uncertain about your testimony? A I'd rather lose my citizenship than to tell a lie.
- Q Well then you don't know whether they claimed under any other treaty do you? A No sir.
- Q If you do you must say so and what you do know? A I am not posted. I am not an educated man. I had no chance to get any education.
- Q The Indians who stayed in Mississippi in 1830, refusing to go to the Choctaw Nation, Indian Territory, with the other Indians under the provisions of that Treaty were required by Article XIV of that Treaty, if they wanted to take advantage of the provisions of that Article, to go to the United States Indian Agent, Colonel Ward, within six months from the ratification of that Treaty, and tell him they wanted to stay in Mississippi and take land there and become citizens of the United States. A good many Choctaw Indians did this whose names Colonel Ward failed to put upon his list known as Ward's Register. They made application within the time limited and under the provisions of Article XIV, but he failed to put their names upon any list made by him-----A Yes sir-----
- This caused a good many complaints because Indians who held land in Mississippi upon which they had improvements lost both their land and improvements; both were taken from them by the Government and sold at its public land sales. This caused so many complaints among the Indians that in 1837 by an act of Congress approved March 3rd of that year, a Commission was appointed by Congress to go to Mississippi and hear claimants under Article XIV of the Treaty of 1830, and make lists of their names which this Commission did. In 1842 another Commission was appointed by Congress for the same purpose; this Commission also went to the state of Mississippi and heard claimants under Article XIV of the Treaty of 1830 and made lists of the names of those who appeared before it. Did any of your Choctaw ancestors go before either the Commission of 1837 or the Commission of 1842 claiming benefits under Article XIV of that Treaty? A Yes sir.
- Q What? A Yes sir, that's what father said.
- Q What did he say? A He said that they went, some of the Pursley's
- Q Lizzie Pursley went where? After she come to the Indian territory? A I don't understand that.
- Q Well now here, do you expect to answer questions that you don't

(8).

understand? Why do you undertake to answer questions that you don't understand? A I don't want to answer-----

Q Well, you do answer and have repeatedly during this examination answered questions that I knew that you neither understood or could understand in the way you answered. That's all right if you want to do it and your application don't suffer. A I am not educated.

Q That don't make any difference. You may be an ignorant man, but you are not so ignorant but that you can know that you are answering questions that you don't understand. Now if there is anything in these questions that you don't understand, say at once, "I don't understand what you mean and I want you to make it plain." A Well, I will.

Q And then answer it after you understand it. Now I will ask that question again. A Commission was appointed by act of Congress approved March 3, 1837, and another Commission later on was also appointed by an act of Congress approved August 23, 1842, and the duties of these Commissions, one in 1837 and the other in 1842 was to go down into the state of Mississippi and hear all Choctaw Indians who lived in the old Choctaw Nation and who claimed that they had made application to Colonel Ward, the United States Indian Agent, within six months after the ratification of the Treaty of 1830, but that he had failed to put their names on his list. Now, these Commissions heard such people and made lists of their names. If your ancestors any of them appeared before either the Commission of 1837 or the Commission of 1842 in the State of Mississippi their names will be found upon that list for we have a list of these names in this office. Now do you know if Lizzie Pursley or any of your Choctaw ancestors went before either of those two Commissions and claimed any benefits under Article XIV of the Treaty of 1830? Now that's the question do you understand it? A Yes sir, I understand it, but I can't say.

Q You can't say? A No sir.

Q That's it. Now, I want you to understand and say just according to the facts. The act of Congress approved August 23, 1842, provided that if a Choctaw Indian living in Mississippi had proven his claim under Article XIV of the Treaty of 1830, and if it also was shown that he had had land in Mississippi and which the Government had taken from him and sold, that he should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas to be taken from vacant Government land, and that a certificate should be given to him to that effect. These certificates were called scrip in those days. Now the question; Do you know if any of your Choctaw ancestors, Lizzie Pursley, or anybody else, ever received any of these certificates or scrip as they were called which entitled her or them to select land in place of land which the Government had taken from them in Mississippi? A No sir, I don't know.

Q Have you had any relatives who have come before this Commission before this to make application? A I have relatives that's registered, yes sir, as Indians.

Q As what? A I have got kinfolks on the rolls.

Q What rolls? A Choctaw.

Q You mean on the rolls of the Choctaw citizens by blood? A Yes sir.

Q Well, have you had any relatives come here to be identified as Mississippi Choctaws? A No sir.

Q These other relatives that you are speaking of were placed upon

(9).

the rolls when? A When they made the treaty----the Dawes Commission.

- Q Oh! did they make application to the Dawes Commission? A No sir they was enrolled, went before the Dawes Commission and enrolled.
- Q They did come before the Dawes Commission? A Yes sir.
- Q That was in 1896? A '96-----yes sir, in 1896.
- Q Between June 10 and September 10? A Yes sir.
- Q You are sure about that? A yes sir.
- Q What were their names? A Their name was Daniels.
- Q Give me the full name? A Willis Daniels and Green Daniels.
- Q Willis and Green? A Yes sir, if I ain't mistaken.
- Q Were they admitted to citizenship by the Dawes Commission? A Yes sir.
- Q They weren't refused and then afterwards applied to the Court? A No sir-----I couldn't say.
- Q What? A I couldn't-----
- Q What's that? A I wouldn't say.
- Q You don't say? A No sir.
- Q Well, if they were admitted or if they were not, do you make any claim here of right to be identified as a Mississippi Choctaw on the strength of their application at that time? A Yes sir.
- Q In what way is there any connection? A As I understand it by blood, and by their relation.
- Q Well, if they were admitted at that time it was the application which they made for citizenship in the Choctaw Nation by virtue of their blood. Now you claim to-day the right to be identified as a descendent of a Mississippi Choctaw, and these two claims are entirely different and distinct. A They was raised here, I reckon, and me too.
- Q Do you speak the Choctaw language? A yes sir, I used to could talk it pretty well. I can't talk it much.
- Q Can you speak Choctaw well enough to carry on a conversation in Choctaw with a Choctaw Indian? A No, I don't claim to.
- Q What? A I don't claim to know that much because I never tried to learn it.
- Q You knew a few words? A Yes sir, I can understand more than I can talk.
- Q Picked it up by association with them? A yes sir.
- Q Have you any evidence of any kind that you want to present to the Commission now in support of this claim? A Yes sir, I have got some papers here.

Ex parte affidavit of S. P. Perry presented by applicant, received, filed, marked Exhibit "A" and made a part of the record in this case.

- Q Can S. P. Perry write? A No sir.

S. P. Perry, the affiant has a cross mark attached to his name, but it is not designated as his mark, neither is there a witness to his signature made by cross.

Ex parte affidavit of Richard Colbert presented by applicant received, filed, marked Exhibit "B" and made a part of the record in this case.

(10).

There is no witness to the signature of the affiant, Richard Colbert, which is by cross and designated as his mark.

This applicant has the appearance and physical characteristics of being descended from white parentage; brown eyes, black hair, and medium dark complexion. He has no knowledge of the Choctaw language except a few words, and no knowledge of a compliance on the part of his ancestors with any of the provisions of Article XIV of the Treaty of 1830.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on January 28, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of January, 1902.

Subscribed and sworn to before me this 30 day of January, 1902.

Hal Belford

Carroll Mitchell
Notary Public.

1089
C. v. W.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of James Daniels, et al.,
for identification as Mississippi Choctaws, H.C.R. 4588.

---: D E C I S I O N :---

It appears from the record herein that application for
identification as Mississippi Choctaws was made to this Commission
by James Daniels for himself and his two minor children, Otto and
May Daniels, under the following provision of the act of Congress
approved June 28, 1896 (30 Stats., 496):

"Said Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw lands
under article fourteen of the treaty between the United States
and the Choctaw Nation, concluded September twenty-seventh
eighteen hundred and thirty, and to that end may administer
oaths, examine witnesses and perform all other acts necessary
therein and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights
in the Choctaw lands under article fourteen of the treaty between the
United States and the Choctaw Nation, concluded September twenty-

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seventh, eighteen hundred and thirty, by reason of being descendants of one Lizzie Daniels, nee Puraley, who is alleged to have been a full blood Choctaw Indian and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).


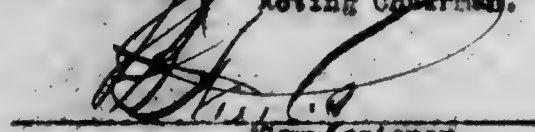
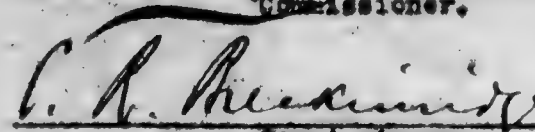
It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Lizzie Daniels, nee Puraley, or ancestors less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 140) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of James

-3-

Daniels, Otto Daniels, and May Daniels, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,


Acting Chairman.

Commissioner.

C. R. Bucknidge.
Commissioner.

Muskogee, Indian Territory,

OCT 17 1902

Miss. Chootaw 4583

Maskogee, Indian Territory, April 2, 1902.

A. D. Brown,

Attorney at Law,

Lehigh, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of March 29, inclosing the affidavit of Charity Danford which you offer in support of the application of James Daniel et al. for identification as Mississippi Chootaws. The same has been filed in this case and will receive consideration in the disposition of the application.

Yours truly,

Commissioner in Charge.

Miss. Choctaw 4886

Waskogee, Indian Territory, June 2, 1902.

James Daniels,

Atoka, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of affidavit of Henry Marshall, offered in support of your application for the identification of yourself and your minor children as Mississippi Choctaws, and the same has been filed with the record in the case and will receive consideration in the disposition of the application.

Yours truly,

Acting Chairman.

Miss. Choctaw #4588

Washago, Indian Territory, June 10, 1902.

James Daniels,

Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of June 7,
inclosing affidavit of Helia Gilbert which you offer in support of
your application for the identification of yourself and your minor
children as Mississippi Choctaws, and the same has been filed with
the record in your case.

Yours truly,

COPY.

M C R 4588

Muskogee, Indian Territory, October 17, 1908.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 17th day of October, 1908, the Commission to the Five Civilized Tribes rendered a decision in the case of James Daniels, et al., applicants to the Commission for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of James Daniels, Otto Daniels and May Daniels, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which

H. M. A. & C. —

to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Acting Chairman.

COPY.

M O R 4588

Muskogee, Indian Territory, October 17, 1903.

James Daniels,
Atoka, Indian Territory.

Dear Sir:

You are hereby advised that on the 17th day of October, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of James Daniels, et al., applicants to the Commission for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 22, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of James Daniels, Otto Daniels, and May Daniels, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this

J. B. —

office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

James D. Kirby.

Acting Chairman.

Registered.

M C R 4588

COPY.

Muskogee, Indian Territory, November 3, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of James Daniels, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 17th, 1902.

The Commission has the honor to report that the principal applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Wm. D. Dwyer,
Acting Chairman.

Through the

Commissioner of Indian Affairs.

1 enclosure, M C R 4588.

C O P Y

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67667- 1902

DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS

Washington, January 20, 1903

The Honorable

The Secretary of the Interior

Sir:

I have the honor to submit herewith for the Department's consideration, record of the Commission to the Five Civilized Tribes, in the matter of the application of James Daniels for himself and his two minor children, Otto and May Daniels, for identification as Mississippi Choctaws, wherein the Commission entered a decree rejecting their application October 17, 1902.

The record in this case shows that the applicants base their claims to identification on their descent from Lizzie Pursley who married Richard Daniels. The claim is that Lizzie Pursley or Lizzie Daniels was a member of the Choctaw tribe of Indians in Mississippi in 1830, and as such complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty.

The Commission rejected the applicants on the ground that its records did not show that Lizzie Pursley or Lizzie Daniels either complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

The records of this office show that there was a family of Choctaw Indians living in Mississippi in 1830 named Pusley. The name Pursley is sometimes spelled in this way. George Pusley took land under the 19th article of the Choctaw treaty, and was transported by the government to the Choctaw Nation, Indian Territory, as were also Wice (Vicey) Pusley and Susan Pusley with their families. If Lizzie Pursley has been married to Richard Daniels in 1830, and they were citizens of the Choctaw tribe of Indians the recognition of the family would have been under the name of the husband Richard Daniels. Consequently the records of this office have been examined with reference to his name as well as to that of the wife, and it is found that Lizzie Pursley, or Lizzie Daniels and Richard Daniels do not appear among those Choctaw Indians who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

I therefore recommend that the decision of the Commission rejecting these parties be approved.

Very respectfully,

W. A. Jones

Commissioner

E.B.H.(E)

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D.C. 4562

DEPARTMENT OF THE INTERIOR
WASHINGTON

ITD

890-1903

February 11, 1903

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Commission to the Five Civilized Tribes,
Muskogee, I.T.

Gentlemen:-

November 3, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of James Daniels and his minor children, Otto and May Daniels, including your decision of October 17, 1902, adverse to the applicants.

The applicants claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of one Lizzie Daniels, nee Pursley, who is alleged to have been a full blood Choctaw Indian and to have resided in Mississippi in 1830.

The record fails to show that the applicants were ever admitted or enrolled as citizens of the Choctaw Nation, or that said Lizzie Daniels, or an ancestor less remote, complied or attempted to comply with said article 14, or with either of the acts of March 3, 1837 (5 Stat. 180) and August 23, 1842 (5 Stat. 513).

Reporting January 20, 1903, the Commissioner of Indian

-2-

Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department has carefully considered the record in this case and hereby affirms your decision.

Respectfully,

(Signed) Thos. Ryan,

Acting Secretary

1 inclosure.

COPY

M.C.R. 4388

Muskogee, Indian Territory, February 24, 1903.

James Daniels,

Atoka, Indian Territory.

Dear Sir:

You are hereby notified that on the 11th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the case of James Daniels, et al., of which decision you were advised by registered mail on the 17th day of October, 1902.

Respectfully,

(SIGNED)

Fame Bixby

Chairman,

M.C.R. 4588

Muskogee, Indian Territory, February 24, 1903.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 11th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the case of James Daniels, et al., of which decision you were advised by mail on the 17th day of October, 1902.

Respectfully,

Chairman.

No. 4588

For Identification as a Mississippi Choctaw.

Date JAN 28 1902

Name James L. Daniels

Age 34 Blood $\frac{1}{4}$

Post Office, Atoka, I. T.

Father: Richard Daniels, d

Mother: Lizzie " , d

Claims through father.
wife, Minnie Daniels, l. w.
No claim for wife.

Children:

✱ Otto Daniels, 3

May " 7 m.

Claims for self &
children

Heal B. H.

END

OF

ROLL

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